

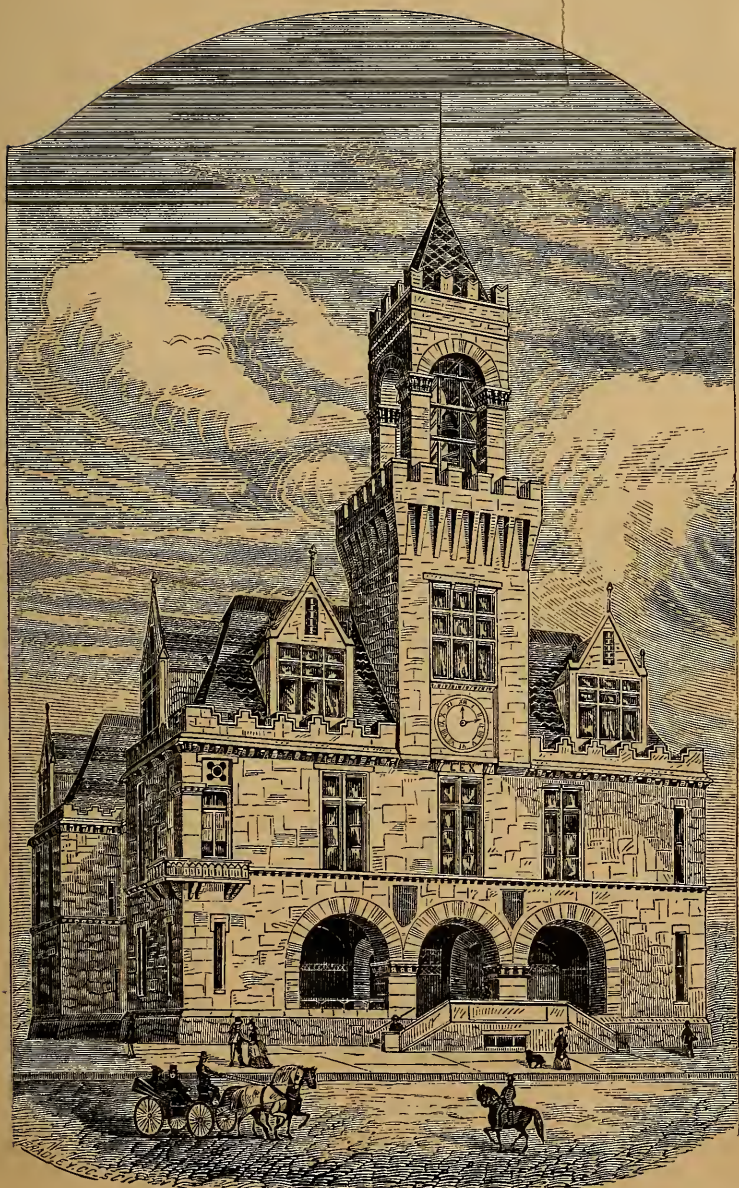


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A N.  
ADDRESS,

DELIVERED IN THE  
NEW COURT HOUSE, IN SPRINGFIELD,

HAMPDEN COUNTY, MASSACHUSETTS,

AT THE DEDICATION OF THE SAME, APRIL 28, 1874,

CONTAINING

SKETCHES OF THE EARLY HISTORY OF THE OLD COUNTY OF  
HAMPSHIRE AND THE COUNTY OF HAMPDEN, AND  
OF THE MEMBERS OF THE BAR IN THOSE  
COUNTIES, WITH AN APPENDIX.

BY

WILLIAM G. BATES.

2353.56

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PUBLISHED AT THE REQUEST OF THE MEMBERS OF THE BAR,  
BY THE COUNTY COMMISSIONERS.

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SPRINGFIELD, MASS.,  
CLARK W. BRYAN & COMPANY, PRINTERS.  
1874.

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SPRINGFIELD, APRIL 28, 1874.

HON. WM. G. BATES :

My Dear Sir,—I have the honor to inform you that at a meeting of the Hampden Bar Association, held this afternoon, it was unanimously voted, that the thanks of the Association be presented to you for the very able, instructive and delightful address delivered by you, upon the occasion of the dedication of our new County Court House, and that a copy of the same be requested for publication.

In behalf of the committee, to whom that duty was assigned, I take pleasure in communicating that vote to you, with the earnest solicitation that you will comply with the request of your brethren of the Bar.

Very sincerely,

EDWARD B. GILLETT.

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WESTFIELD, JUNE 15, 1874.

HON. EDWARD B. GILLETT, OF THE COMMITTEE OF THE HAMPDEN BAR ASSOCIATION :

My Dear Sir,—I have received your notice of the unanimous vote of the Association, expressing their approbation of the address, which was prepared at their request, and delivered at the dedication of the new Court House ; and I am pleased at the expression of their wish, that it is deemed worthy of being preserved as a portion of the history of the times. The men who have lived in the old County of Hampshire, during the last half-century, certainly were remarkable men, and deserving of an abler chronicler ; but such commendation as my acquaintance with, and my observation of them, has enabled me to make, is cheerfully submitted to your disposal.

With my thanks to the members of the Bar for their long kindness and courtesy to me, and especially for this last expression of their regard, I am their and your friend and brother,

WILLIAM G. BATES.



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# HISTORICAL ADDRESS.

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BY HON. WILLIAM G. BATES OF WESTFIELD.

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*Fellow Citizens, Gentlemen, Ladies,  
And my Brethren of the Bar:*

I FEEL grateful to you, my brethren, for this opportunity of professional and social speech. It is now almost one-half of a century,—good heavens! can it be so long?—since, as man and boy, I became connected with the legal profession. During that time, I have been almost a constant attendant at the sittings of the judicial courts in this County; and, although for a few years past I have been compelled to abstain partially from my accustomed participation in your forensic trials, and have been rather a “looker on here in Vienna” than an actor, I feel complimented by the assurance that your appointment gives, that you still regard me as one of your number; as one who has not yet passed away, out of sight, out of thought, adown behind the western hills of life; but, who is still with you, and of you, sympathizing with you in your toils, your anxieties, and in your efforts to render the profession of the law an honorable profession, in the estimation of all men.

I am gratified, also, in the audience, which the occasion has called together. Not only you, yourselves, are present, whose peculiar theater this place hereafter is to be, and where you are to labor and struggle in the intellectual contests of professional life; not only the learned jurist who has relinquished a remunerating professional practice to hold the scales of justice with a hand that does not tremble as he holds it, and whose unclouded eye watches its slightest preponderance; not only those who, having with you one passion, one interest, and one honor,

are here with you, with their hopes and sympathies ; but a large delegation of the staunch and solid men of the County, which bears the honored name of the great and fearless champion of the constitutional laws of England, have assembled with us, to manifest their respect for an institution upon which rest the pillars of every well-organized and stable government.

The occasion itself, also, is one of unmixed gratification. We are here to dedicate a magnificent structure to one of the most useful and magnificent of purposes. Having erected a temple to the administration of the law, we are here to consecrate it, as the forum where the law is to be meted out with Rhadamanthine impartiality. And with what more solemn earthly purpose could we come together ? Next to the consecration of a temple to the worship of Almighty God, what is there that can so imperatively command our reverence, as the accessories of an institution that He has founded, and that has been handed down to us through the hoary ages of the world ? And if we give but a little reflection to the subject, we shall realize, that we do but follow in the wake of all those hoary ages, in the respectful ceremonials of this day. We only show forth, by these evidences of our reverence, our concurrence in the sentiments of the people who have preceded us in the long annals of time.

The historical books of the Old Testament disclose the reverence of the peoples, whose histories are there recorded, for the immutability, the impartiality, and the wisdom of their laws. The trial of St. Paul, in the midst of a mob, clamoring for his blood, reveals to us how suddenly the words of the apostle, "I appeal unto Cæsar !" hushed the violence of the maddened populace, changed the venue, and transferred the jurisdiction of his case, whose life they sought, from Jerusalem to Rome.

When Demetrius had stirred up the whole people of Ephesus to violence and tumult by an exciting appeal, not merely to their passions, but to their pecuniary interests, and the voice of reason was drowned in the absorbing cry, "Great is Diana of the Ephesians," how suddenly did the speech of the town clerk to the infuriated mob, announcing to them that "the law is open," and "if Demetrius and the craftsmen which are with him have a matter against any man, there are deputies : let them implead one another,"—how soon, I say, did this reference to the law appease the tumult and disperse the assembly. If we were to

go, to-day, to those cities of Italy, which, for nearly twenty centuries, have been buried beneath the lava of Vesuvius, and gaze upon those ruins that modern enterprise has unveiled to the eye of the astonished beholder, among the numerous examples, exhibiting the depraved tastes of those luxurious and sensual peoples, we shall still see that the ruins of the Forum are the most noble relics of their reverence and regard.

If we visit the ruins of imperial Rome, although the interest of the traveler at once draws him to that magnificent cathedral, whose incomprehensible attractions fill up, with a constantly growing admiration, the impressions of its vastness and its beauty, yet his steps most fondly and most frequently turn to the Forum, where Hortensius, Varro and Cicerō spoke, and there they oftenest and longest linger among its mouldering and mournful ruins. Upon the whole, I think it may safely be said, that the respect and regard of the different nations of antiquity for the laws of their country, will be found to correspond with the character of those public monuments, which their genius has reared, and which the tooth of time has yet spared to us.

The history of our race reveals to us no nation in which a respect for the law has not been handed down by its traditions, or manifested by its memorials; and the universal evidence upon this point has induced the conclusion, in the minds of many persons, that the laws which have existed, as the institutions for the governance of society, were revealed to the race by the special inspiration of the Deity. But if this conclusion is not warranted by facts, it seems that a respect for law is so deeply implanted in the very nature of man, as to become a part of his being, inscribed upon his conscience, and modifying the whole conduct of his life. It is so ever-present with us, above us, beneath us and around us; it moves along so quietly, so silently, and withal, with such a tremendous energy; we feel that its invisible shield, "by night or noon," is always before us, and its protecting sword is being brandished continually around us; we lie down to sleep with such an assurance of its guardian security, and we go abroad with so confiding a reliance upon its accompanying care; we look to it with so confiding a trust, that there are in its provisions the protection of every right, and the remedy for every wrong; that there is, even in its very inaction, a strength as omnipotent as in its active



power ; it impresses itself so strongly upon us, that our impressions become a part of ourselves, an instinct of our being, swaying us, guiding us, and so influencing us, that we are constrained to do right, almost without a consciousness that we can do wrong. And when we look at its wonderful adaptations, and see how, almost like the precepts of the gospel, it conforms itself, as they successively arise, to the varying and changing economies of commercial life, we feel that the language of the author of the Ecclesiastical Polity is not too high an eulogium.

Consider a few of the many instances of its felicitous adaptations. The uses of gas, the application of electricity to the telegraphic inter-communication between man and man, State and State, and nation and nation ; the application of steam to the system of navigation, and to the transportation of passengers and freight,—these are all the inventions of later years, and almost all of them affecting the property, the security and the lives of mankind. And although, coming down from the early enlightenment of Rome, the civil law, revised by the author of the Justinian code, refined by the reflective consideration of Alfred, Edward, and the sages who have lived from the dawn of civilization, through the growing enlightenment of England, it was yet brought over to us in 1620, in the Mayflower, with all those provisions which the relations of all those new discoveries require in their innumerable ramifications. Well, then, might that great divine, to whom I have referred, in language that scarcely can be too often repeated, make use of this eloquent panegyric concerning it :

“Of Law there can be no less acknowledged, than that her seat is the bosom of God, her voice the harmony of the world ; all things in heaven and earth do her homage, the very least as feeling her care, the greatest as not exempted from her power ; both angels and men, and creatures of what condition soever, though each in different sort and manner, yet all, with uniform consent, admiring her, as the mother of their peace and joy.”—*Hooker's Works*, vol. 1, p. 240.

A greater man than Hooker, though less eloquent, in language distinguished for its quaintness, and more so for its truth, has given a definition, that should be engraven in the memory of every student, who commences the study of the law :

“Reason is the life of the law, nay, the common law itself is



nothing else but reason ; which is to be understood of an artificial perfection of reason, gotten by long study, observation, and experience, and not of every man's natural reason ; for, *Nemo nascitur artifex*. This legal reason *est summa ratio*. And therefore if all the reason that is dispersed into so many several heads, were united into one, yet could he not make such a law as the law of England is ; because by many successions of ages, it hath been fined and refined by an infinite number of grave and learned men, and by long experience grown to such a perfection, for the government of this realm, as the old rule may be verified of it,—*Neminem oportet esse sapientiores legibus* ; no man (out of his own private reason) ought to be wiser than the law, which is the perfection of reason."

At an earlier period, centuries antecedent to the age of Coke, a greater man even than he was, speaking, not merely with the comprehensive wisdom of a philosopher, but with a fervid eloquence, which denoted in him a Christian love and reverence for virtue, has pronounced this sublime eulogium upon the beauty and harmony of this sovereign and immutable law.

" True law is indeed right reason, consistent with nature, shedding its influence upon all, constant and immutable. It incites men to the exercise of every moral duty ; it deters them, by its prohibitions, from the commission of fraud. \* \* It is impious to change such a law ; neither is it lawful to abate it, nor can it be wholly abrogated. The Senate nor the people cannot discharge us from its obligations. It does not require an expounder or interpreter. It will not be one thing at Rome, and another at Athens ; one law now, and a different one hereafter ; but it is the same eternal and inviolable law that comprehends every nation, throughout all time ; and is, as it were, a common master and ruler, the divinity of all. God is the inventor, the giver, and the judge of this law ; and whoever will not obey its precepts, let him flee, and avoid the companionship of his race."

" Law," said Dr. Johnson, in the language of a terse definition, " is the science, in which the greatest powers of the understanding are applied to the greatest number of facts ; " and that great statesman, who superadds to the highest eloquence the profoundest philosophy, has defined the law to be, " the science of jurisprudence, the pride of the human intellect, which, with all its defects, redundancies and errors, is the collected reason

of ages, combining the principles of original justice, with the infinite variety of human concerns."

In the face of all those high eulogiums, that have come down to us from the wisdom and the eloquence of Cicero, we hear, occasionally, a flippant witticism about "the law's delay," "the law's imperfection," and "the glorious uncertainty of the law." It would be unjust to apply to these persons the couplet of the witty poet :—

No man e'er felt the halter draw,  
With good opinion of the law.

But, too often some private grief, some misfortune, some mistake, or some negligence is the source of these stale utterances. They do not distinguish between the principles of the law, the law itself, the glorious old common law of England, in all its wisdom and majesty, and its imperfect administration. Unhappily we are so circumstanced in this world, that with a code of laws made absolutely perfect, and a constitution for the government of a nation, designed and perfected by an infinite wisdom, there would necessarily be a considerable jarring in the operation of its machinery. We have only to look at the conduct of those who, during the long lapse of ages, have differed, and stumbled, and quarreled, and fought over the precepts of the divine law, to rejoice, that in the administration of the "highest" reason of men, its provisions have moved on so harmoniously. But we must consider that there are, in this country alone, half a hundred Legislatures, each member of which is of the opinion that, in some respects, he is capable of suggesting an improvement or an amendment. And some such men there are, so unreflective in this consideration, so impressed with the idea of their own ability to provide a remedy for every wrong, and of such a far-seeing sagacity, as to be able to look down through all the complicated relations of human events, and to provide regulations for the government of human conduct, that it is a matter of surprise, that even a shred of the common law should be now visible, or that, like the rules of practice, it should not have been entirely covered up with enactments, or absorbed in codifications. These friends of innovation do not seem to consider that it is better, occasionally, to submit to an inconvenience, or even a

mischief, on the part of a few persons, than by the change of a well-known and established provision, to introduce uncertainty and doubt, to the prejudice of many. They do not realize, that, day by day, each doubtful provision of the law is receiving constant explanations and constructions from the courts, to adapt it more fully to the exigencies of commercial life ; nor still less do they reflect, that each new feature, which is engrafted on the common law, not only discards those mature commentaries upon it, that have been the outgrowth of the wisdom of centuries, but is, itself, a new subject requiring future judicial construction. We are told by a learned author, that many years since, the statute of frauds, a statute of a few sections, and of but few lines in a section, had been examined, and an estimate made of the expense that had attended its construction ; and that the amount, at that time, exceeded the sum of several millions of dollars.

In commenting upon the evils of legal changes, one of the most learned and eloquent of the philosophers of England once said, that “ no one, who is not a lawyer, would ever know how to act, and no one who is a lawyer would, in many instances, know how to advise, unless the courts were bound by authority, as firmly as the pagan deities were supposed to be bound by the decrees of fate.”

Poets are said to be born, and not to be so created. *Poeta nascitur non fit*. But Shakespeare seems not only to have been born a poet, but born also to that *legitima ratio*, which is the result of long study, observation and experience. His legal opinion upon this subject is as sound as his poetry is beautiful :

*Bassanio.* I beseech you  
Wrest once the law to your authority ;  
To do a great right, do a little wrong,  
And curb this cruel devil of his will.

*Portia.* It must not be ! there is no power in Venice  
Can alter a decree established ;  
’Twill be recorded for a precedent ;  
And many an error, by the same example,  
Will rush into the State. It cannot be.

But a still greater evil, that affects the administration of justice, arises from the constitution of our courts. Of these there are many hundreds already, in this wide-spread, and rapidly increasing country. All of them are almost in constant opera-

tion, and continually throwing out their influences, either for good or evil. A most essential part of a judicial tribunal, the jury,—a body derided, jeered at, at times pronounced an excrescence, and yet a body that, in this country, we cannot do without,—is elected by the people. Their names are placed in a box, and they are drawn from it when their services are required. It is for them to hear and decide upon all questions of fact between man and man, and between the State and a citizen,—questions, often, of the most momentous importance. Without referring to other States, is it not the case here, that our most able and intelligent men are left out of the jury box, and placed beyond the power of choice, in the performance of duty? and are not their places too often supplied by those who are too inexperienced, and too ignorant, to discharge the high and the most important office of a jurymen?

Of the judges, who preside over these hundreds of judicial tribunals, some are appointed by the governors of the different States, with the consent of the advising branch of the department, and others by the nomination of the President of the United States, with the approbation of the Senate. Each one of the judges, so appointed, reflects the political opinions of the appointing power,—for the cases are infrequent when the chief magistrate goes out of the pale of his party, to elevate even a more competent person to that high office, when he could be the means of so great good to the people and the State. If the executive would, in all cases, without fear, favor or affection, select the nominee from the ablest of those within the pale, we should probably possess a more able judiciary, in the different States of the Union.

Sometimes they are selected for their talents and character; and at times, it must be confessed, as a reward for their political services;—services sometimes rendered to the appointing power; and there is one sorrowful record of the nomination of a person so incompetent, not only in talent, but in character, as to have constrained the conservative voice of the whole people to cry out, and compel the President to withdraw the nomination.

In those cases, where the choice of judges is made directly by the people, there is more frequently an incompetent judiciary. The pride of the State, and that regard for the judicial



honor, integrity and usefulness, that always exists in a large portion of every commonwealth, will always prompt the contending parties to strive to put in nomination for judicial office their ablest and wisest men ; but local considerations and private combinations will sometimes over-ride the conservative efforts of the people. But these honorable endeavors that influence the conduct of the more intelligent electors, do not come into operation in the nomination of many of the subordinate judicial magistrates. If the highest seats of the judicature are filled by honest and capable men, the people are apt to relax their efforts to secure subordinate judges of virtue and intelligence. They do not seem to consider, that the administration of the law, like the temple of justice, is one harmonious structure, commanding the respect of the world by the magnificence of its proportions, and the perfectness of all its parts. They do not reflect, that by far the greater part of all the varied transactions of life which seek the decision of a legal tribunal are, practically, under the judicial cognizance of these subordinate magistrates ; that, for the most part, from their decisions there is, practically, no appeal to the higher courts ; and that the conflicting rights of man and man, nay, even the liberty of the subject, his property, and the amount of his punishment are vested in their discretion, and subject to no other human control.

And yet, with how little thought of the vast consequences, are these offices filled ! Sometimes the contest for them degenerates into a scramble. Men seek for them, and strive for them, and employ their paid partisans. Selfish men and powerful corporations array themselves in a contest for success, having ulterior objects and interests to subserve ; public associations are formed to defeat one candidate, and to elect another for the purposes of anticipated legal decisions ; money is paid out by the candidate in his electioneering canvass, from his own funds and from the party contributions, collected by a constrained levy ; and the result is, that a good man, nominated by the conservative element of one of the political parties, is defeated, and a time-serving politician, willing to lend himself to the behests of the rabble that elected him, is chosen to a place of honor and responsibility, than which, whether subordinate or otherwise, there is none other upon which can more safely rest the nation's hope.

I do not intimate, that the evils to which I have referred flow only from the system of popular judicial elections. Sometimes they date back to the designs of a foreseeing wickedness. Sometimes a corrupt and scheming politician, with the design of destroying an honest bench that he cannot control, and of creating a tribunal that will subserve his own or his party's ends, arranges an organization, which, by the force of legislative enactment in abolishing an existing tribunal, and the action of a subservient appointing power, produces results, if possible, still more deplorable.

But, after all, the misfortune to the people, in the appointment or choice of judges, relates back to their own guilty apathy, in the exercise of the elective franchise. If every man reflected, that the vote which duty required him to cast at every election, was an expression of his own honest opinion, and that the result of the ballot was the true voice of the people; if he realized that a vote for an unworthy candidate,—for a man whom he thought was not fit for the office, either from want of character or competency,—was an acted falsehood,—a sin from which no party Pope could give him absolution, or repair the evil that his example had sowed, tending to disease public opinion,—we should find that those fraudulent political practices, which seem to be carrying us downward to the tomb of nations, would soon be arrested, and that reverence, veneration, and new hopes would beat again in the national heart. In this Commonwealth the conservatism of the people has thus far preserved us from an ignorant or a corrupt judiciary. There has never been a taint upon the character of any of our judges, or the slightest stain upon the judicial ermine.

When, therefore, those who, in a moment of petulance, for the misconduct of a jury, the ignorance of a judge, or the innovating change of a sound principle that has been hallowed by the experience of ages, or disgusted by the conduct of those legal practitioners who sell not only their talents, but their characters, for the purposes of a corrupt and unprincipled client, inveigh against the delays, the uncertainties, and the imperfections of the law, let it be understood, that their vituperation has reference rather to the defects of its administration, to the folly or the apathy of the people, in the first duties of their political obligations, in reference to the nomination of virtuous and intelli-



gent legislators, in the choice of honest and faithful executive officers, and in the election or appointment of able and upright judges, than to any imperfections of those principles of law, that are the choice heritage from our fathers. The law is still over us and around us, in all its strength and wisdom; and it is we, we ourselves, whose criminal omissions are the sources of those evils, which all good men deplore.

If the people were not recreant, we should not be compelled to read, as we often do, in an opinion of a court of one State, a complaint that a court in another State holds a different doctrine on this point from that which we have always maintained: nor, on the other hand, a counter crimination. There would not be that diversity of which the wise old Roman orator so eloquently complains—"One law at Rome and another law at Athens;" but its provisions would be uniform, stable and permanent; and to the demons of innovation, whether legislators or judges, its language would be that of the great apostle: "Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue, if there be any praise, think on these things." For these are the principles of the common law! These are the foundations upon which all the great institutions of society repose. Upon them is erected the beautiful fabric of social life. The general security of society is maintained by them. They are the protectors of the innocent and the avengers of the guilty. They hush the turbulence of discord, and inspire that peaceful quiet, that preserves, refines, and adorns society. They incite and inspirit men to the cultivation of science, to the love of art and beauty, and are the nourishers and guardians of the progress of the world. Therefore I maintain that Mr. Choate was right in his reply to the judge, who said to him, that he would pass what he conceded to be an equitable rule, if he would furnish him with any precedent. "I will look, your honor, and endeavor to find a precedent, if you require it, though it would seem to be a pity that the court should lose the honor of being the first to establish so just a rule."

It has been intimated to me, as your expectation, that I shall give a cursory history of this County, and the course of its judicial progress, with such personal reminiscences of the courts, the

judges, and the leading members of the bar, as may be interesting to those who have come into professional life, since the days when there were giants in the land. There is but one objection to this course, and that is, that he who does it, almost necessarily subjects himself to the charge of egotism. When a person essays to delineate his personal recollections of the character, the conduct, and especially the conversations of another, he, of necessity, makes himself more or less a companion, and identifies himself with the individual whom he describes. Thus, Boswell, although an author of talent, sufficient to write the best biographical history that the world has ever seen, would scarcely have been known to it at this time, but for his connection with the distinguished father of English literature.

Some few years since, an aspiring lawyer essayed to write the biography of a most eloquent forensic orator; and a wag was cruel enough to say of it, that it was a history of the wit, wisdom, and eloquence of the author, with the attestations, endorsements, and recommendations of Rufus Choate. But, when it is recollected, that, in the early part of the present century, before railroad intercommunication had interfered with the professional habits of the bar, the terms of the courts, in the agricultural portions of the Commonwealth, brought to the shire-town all the legal practitioners, and kept them there, during almost the whole length of their sessions, it will occur to every one, what a favorable occasion was presented to each one of the number for observation and memory. It was particularly so in this country. When a person was admitted to the bar, excepting as to the different grades of the court, and the offices, he was admitted to its full communion, and to all its courtesies. It was the custom for the greater portion of the members to congregate at one house; and though at breakfast and tea they sat at reserved seats, at the head of the table, yet their dinner was served up in their own apartment. The judge was seated at the head, and the members arranged themselves somewhat according to their seniority at the bar. And here, the distinction of age and rank ceased. The dinner was the feast of reason and the flow of soul. If not the duty, it was the employment of the judge to call forth, from the different members, their highest contributions of enjoyment; and at times, the

length of the hour was made to trench somewhat upon the hour of adjournment.

On one of these occasions, when, as it happened, a couple of distinguished gentlemen from the eastern part of the Commonwealth were present, and the general hilarity had caused the company to forget the hours, the watchful sheriff remarked to the judge that the court bell was ringing. "And let it ring," said his honor, with exhilarating emphasis; "why should its tongue interrupt our harmony? Here are the counsel on both sides,—there, in excited controversy; here at peace. And for myself, I think I can say, as another man did, who was going to be executed,—'Don't hurry, gentlemen; there will be no fun till I get there!' Well, Mr. Sheriff, one song more, and then we will seek further what carried off that dam!"

But it was the evenings, the nights, the more than *noctes ambrosianæ*, that brought the different members of the bar and the judges into that close communion, where dignity, age and learning were fused and melted into good-fellowship, and gave to the young student, even, those advantages that, at the present day, are hardly to be attained. For a short time after supper, the leaders of the bar were generally closeted with their juniors, in the preparation for the cases for the morrow; and those who were not so engaged were left in the parlor, to discuss the proceedings of the day, or to indulge in such conversation as seemed pleasant to them. But, at a later stage of the evening, there was a general convocation of the members of the bar and the judges, in the parlors, and a conversation ensued, that was always in the highest degree interesting and instructive. I once heard an indolent lawyer speak of those meetings with the highest enthusiasm. "I have," said he, "but few books and little business; and I contrive to pick up sufficient law, from the elder lawyers, to last me through the next vacation."

Before I proceed to speak of my personal reminiscences, let me recall briefly to your recollections, the early history of Western Massachusetts, being that part of it, that constituted the old county of Hampshire.

During the first winter of the settlement at Plymouth, in December, 1620, one-half of the whole colony, including twenty-eight of the forty-eight adult male population were laid in their carefully leveled graves. In June, A. D., 1630, an additional

colony was settled at Boston. Within fifteen years from the landing at Plymouth, people went forth from these scanty municipalities,—a sufficient number of bold, brave and adventurous men,—to form settlements in different parts of a territory, greater in extent than the whole island from which they emigrated. Plymouth, Boston, Charlestown, Watertown, Roxbury, Dorchester, Hingham, Medford, Newbury, Ipswich, Salem, Saugus, Waymothe, and New Towne, had become before that time, regularly organized plantations; and in addition to these, were the settlements in New Hampshire, Maine, Rhode Island and Connecticut.

I have not ascertained the exact date of the discovery of the Connecticut river. It was navigated as early as 1631, and a settlement was made upon its banks in 1633. In the latter part of 1635, a representation was made to the court, sitting at New Towne, that several of their friends, neighbors and freemen from the eastern plantations, as also other men of quality, now in England, are resolved “to transplant themselves and their estates to the Ryver of Conecticott, there to reside and inhabite; and that there may be, upon occasions, some causes of difference, and also dyvers misdemeanors, which will require a speedy redresse;” and, thereupon, it was ordered, that William Pinchon, William Phelps, and others, should have authority, by a majority, and in certain cases by any two of them, to hear and determine, in a judicial way, such causes of difference, and to inflict corporal punishment or imprisonment, to fine, and levy the same, “soe as shall be for the peaceable and quiet ordering of the affairs of the plantation for the space of one year.” (Records of Massachusetts, vol. 1, p. 173, 1635–6.)

There being a controversy in reference to the meaning of the resolve above referred to, a petition was made by Mr. Pinchon and others to the general court; and, after a consideration by that august body, three distinct explanatory resolutions were adopted; and a declaration was made that Mr. Pinchon’s authority in all “tryalls,” shall extend to all causes, civil or criminal, subject to an appeal to the courts of assistants, with a jury of six men until they shall have a greater number for that service. (Records of Massachusetts, vol. 1, p. 320, 1641.)

Prior, however, to this subsequent legislation, there seems to have been a controversy relative to the authority of Mr. Pinchon



as a magistrate for the county; and, as a case *ex necessitate rei*, the people resorted to the first principles of government, and, on the 14th of February, 1638, they resolved that, "being by God's providence, fallen into the line of Massachusetts jurisdiction, and it being farr off to repayre thither, in such cases of justice as may often fall out, among us, we doe therefore, thinke it meete, by a general consent, and vote and ordaine Mr. William Pinchon" as a magistrate, etc. And it was also agreed upon, that, "seeing a jury of 12 fit persons cannot be had at present among us, six persons shall be esteemed and held a sufficient jury to try any actions under the sum of ten pounds, till we shall see cause to the contrary, and by common consent shall alter this number of jurors, or be otherwise directed from the general court in ye Massachusetts."

Mr. Pinchon continued to exercise these judicial powers, until a storm broke upon him which, at last, drove him from the colony. As this was the first instance of the impeachment of a public man in this country, or of a process in the nature of it, it may be interesting to refer to it, as illustrating the dispositions, and the gross inconsistency of those who had just fled from their own country to find liberty of conscience here. Mr. William Pinchon appears to have been a man of considerable talent; and though not a lawyer, to have filled a leading position in public affairs. He possessed the confidence of the government, which in many instances deferred to his suggestions, in relation to the affairs of the colony. But, in the height of his usefulness, and in the zenith of his reputation, like many others before him, he was induced to write a book! And it was for this reason:

———"quo numine læso,  
Quidve dolens, regina deum tot volvere casus  
Insignem pietate virum, tot adire labores  
Impulert: tantæ ne animis cœlestibus iræ!"

It was on the 16th day of October, 1650, when Thomas Dudley was governor, John Endicott, Esq., deputy governor, and William Pinchon, gent., one of the ten assistants, that the record declares, that "the courte, having had the sight of a booke, printed under the name of William Pinchon, doe judge meete, first, that the protest be drawn to satisfy all men that the courte utterly dislikes and detests it, as erroneous and daingerous; secondly, that it be answered by one of the elders;

thirdly, that the said William Pinchon, gent., be summoned to appear to the next general courte to answer ; and fourthly, that the booke be burnt by the executioner, or such person as the magistrate shall appoint (the party being willing to doe it,) in the market-place, on the morrow immediately after the lecture." On the same day, the court made a more formal declaration of their innocency and ignorance of the writing, or publishing thereof ; of their detestation and abhorrence of much of its contents as false, erroneous, heretical ; of their condemnation of it to be burned in the market-place ; of their purpose to convent the said Mr. William Pinchon before authority ; and also, God assisting, to proceed with him according to his demerits. They also further purpose to appoint some fit person to make particular answer to the errors and falsities, so that the minds of those that love and seek after truth may be confirmed therein. On the next day it was ordered, "that this declaration be signed by the Secretary, sent into England and be printed there ; that Mr. John Norton of Ipswich be instructed to answer the booke ; that Mr. William Pinchon be summoned to appear before the courte on the first day of the next session, to give answer to the booke entitled, *The Meritorious Price of our Redemption, Justification, etc.*, and not to depart without leave from the courte."

Accordingly, on the meeting of the council, in May, 1651, Mr. William Pinchon appeared, and avowed himself the author of the obnoxious book. The court, out of "tender respect" to him, gave him liberty to confer with all the elders present, or such of them as he chose. He selected three of them, and "returned his mind under his hand," that he hoped he had so explained his meaning, as to take off the worst construction ; and "that it hath pleased God to let (him) me see," that he had not spoken so fully of Christ's sufferings as he should have done ; for, he says, "in my booke I call them but trials of his obedience, yett intending thereby to amplify the mediatorial obedience of Christ as the only meritorious price of man's redemption ; but" he adds, "I am now inclined to think they were appointed for a further end,—as the due punishment of our sins, by way of satisfaction to divine justice for man's redemption."

In view of this candid and frank acknowledgment, from this able and upright magistrate, the court gravely resolved, "that



through the blessing of God on the pains of the reverend elders, that he is in a hopeful way, they judge it meet to grant him his liberty to return to his family the next week, and to carry Mr. Norton's reply up with him to consider thereof, so that at the next session in October, he may give full satisfaction, as is hoped for." But inasmuch as the people of Springfield required a magistrate, to "put issew" to such causes and differences as might arise, and a man like Mr. William Pinchon, was so far tainted with heresy upon such an important point of theology, as not to be able to settle their controversies, they appointed his son-in-law, Mr. Henry Smith of Springfield, for the present exigency, who took his oath, and was dismissed to his jurisdiction. At the same session the thanks of the court were presented to Mr. Norton for his book ; and, what was doubtless of more value to him, the sum of £20 was paid to him therefor.

At the October session of the same year, the consideration of the errors and heresies of Mr. William Pinchon were again resumed in the court. They enjoined him to more thoroughly consider them ; to weigh well the judicious answer of Mr. Norton ; and protesting that it was their desire that he should give a full satisfaction, and that they should not be constrained to proceed to so great a censure as his offence deserved, they ordered that the judgment should be suspended to the next May session, at which time he was enjoined to appear, under a penalty of £100. He soon after returned to, and died in, England, leaving his son as one of the colonists, who, like his father, was an intelligent man, and an upright public officer. What became of the recognizance of £100, or of the book, or of the answer of the Mr. Norton, we are not informed ; but they would be, at the present day, extremely valuable, as an ancient precedent on the subject of trials of impeachment.

Mr. William Pinchon was one of the court of assistants, a body in some respects analogous to the council, at the present day, and, in others, to our Senate. He was one of the members of it before the colonists left Europe. He continued in office from the time of their landing at Boston, until the year 1651, when he was deposed, and his son-in-law, Henry Smith, appointed in his stead. He was one of the persons named in the royal patents of James and Charles ; the subsequent confirmatory charters of William and Mary, and George I., commonly

called the provincial charters ; he was the Moses, who led this band of pilgrims into a distant wilderness, afar from human sympathy, or succor ; he was not only an assistant,—a high counselor of the colony,—at Boston, but the friend, the magistrate, the chief officer of the infant plantation, in the scene of its early and dangerous trials ; and having expended the buoyant energy of his youth, and the matured wisdom of his manhood in behalf of a cause, that lay like a living coal at his heart, he was forced back from passing beneath the very arch of his triumph, and, with a bosom throbbing with disappointment and sorrow, compelled to return to the intolerant persecutions of a land, from which he supposed he had fled forever.

What a striking lesson does this melancholy example teach us of the reckless inconsistency of human conduct ! How fully does it illustrate the truth, of which history is full, that when political animosity or religious intolerance has inflamed the popular heart, and an unholy passion has driven reason from her throne, meritorious services, unrequited toils, and common dangers are forgotten, private rights and constitutional obligations, shrivel in the furnace of public indignation, and, like that ideal creation, which the great Master of morals has depicted as the embodiment of a jealous and unreasoning passion, “it dooms, but dotes, and murders, yet adores.”

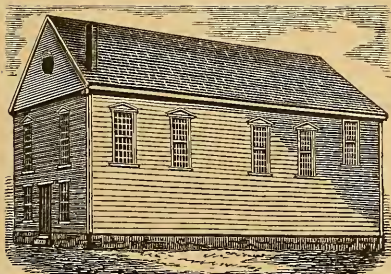
However interesting may be the history of the subsequent period, from the year 1650 to the establishment of the county of Hampden in 1812, I pass it over briefly, inasmuch as it has been spread before the people by the Hon. George Bliss, in his address to the bar of the old county of Hampshire, September 27, 1826. I merely insert a few dates, for the convenience of reference, and a few facts which are not contained in the address of that learned historian. Hampshire county was incorporated on the 7th day of May, 1662. The incorporating act recites that the inhabitants of this jurisdiction “are much increased,” and “are planted farre into the country, upon Conecticott river,” that they cannot conveniently be annexed to any existing counties ; it is therefore ordered, that henceforth Springfield, Northampton and Hadley shall be a county by the name of Hampshire ; that Springfield shall be the shire town there, and the courts shall be kept, one time at Springfield, and one time at Northampton, and that the inhabitants shall pay their public

rates to the county "in fatt cattle, or young cattle, such as are fitt to be putt off," or "in corne at such prises as the law doe commonly passe amongst themselves." The boundaries of this great county were certainly somewhat indefinite. It was provided that the limits of it, on the south, should be the south line of the "Pattent," and the extent of the other bounds to be full thirty miles distant from any, or either of the "foresaid" towns; and it was provided, further, that whatever towns or villages should hereafter be erected within these bounds, should be and belong to the aforesaid county. Inasmuch as the south boundary of the patent was not definitely known or fixed, but extended, as it was claimed, far down into Connecticut; as, also, the lines of the towns of Springfield, Northampton and Hadley had hardly better or more definite termini than "the wilderness," and thus, as the starting-point of the thirty miles from these three towns was beyond conjecture, the extent of the county could hardly be very correctly ascertained.

Prior to the grant of the province charter in 1692, the law was administered with little regard to form. From the few records, which now can be referred to, it seems that the magistrates more nearly resembled arbitrators, or referees, than judicial magistrates. Sometimes they assumed great astuteness of practice, and undertook to dispose of pleas in abatement, demurrers and special pleas in bar, with the affected precision of Lord Coke, or Chief Justice Saunders. At others, they set themselves up as lord chancellors, and disposed of cases upon what they called the principles of equity, as they understood equity, and that was, to dispose of each case, not according to a system of precedents, but upon its own merits, or, as it seemed fair and equitable. From their decision an appeal was had to the court of assistants in Boston. Of course, a party injuriously affected by the verdict of a jury, in a community where it was at times impossible to empanel more than six capable jurymen, and where the law was laid down to them by magistrates, generally without a legal education, would have frequent occasion to crave the relief of an appeal; but, when we consider the time to be consumed in a journey through what was called "the wilderness," a journey sometimes of eight or ten days, we shall be apt to conclude, that few of them were of sufficient resolution to avail themselves of it.

But, after the establishment of the county of Hampshire, and the creation of the court at Springfield and Northampton, to be held alternately, at each place, and an arrangement by which, at the direction of the authorities at Boston, a court should be held in the county whenever there should be an occasion for it, the administration of the law began to assume much more the character of a science. Rules of court were established, by which the oath, which is now taken by an attorney, on his admission to the bar, was then to be administered to each person so admitted. The people had seen the evil of an unqualified, and an unprincipled pettifoggism, and the court adopted measures to protect them from it. More learned judges were appointed for the benches, both of the supreme court, the successor of the court of assistants,—or the town meeting court,—and the court of common pleas, the substitute of the former county court. The bar at once felt the change; and, in a few years, those pettifogging persons, who, without learning, except the tricks of dishonorable practice, without self-respect for themselves, or a regard for the character of the profession, and with no desire, except the sordid wish to embroil neighborhoods in quarrels, in the hope of filching from them the means, which they could persuade them to sacrifice to stimulated passion, were succeeded by gentlemen of talent and influence, whose names have come down to us, as men who were honored in their day and generation.

The county of Hampden was incorporated February 25, 1812, and the act provided, that it should be in force from and after the first day of August, then next. It enumerated the towns to be embraced within it, the terms of the different courts of probate, the circuit court of common pleas, and the supreme judicial courts, and the powers and duties of sundry officers of the new county; but it failed to make provision for the authority of the sheriff, and the deputies of the county of Hampshire, to act, as they had acted, within the territorial jurisdiction of the new county. The incorporating act was passed in a time of great political excitement. Hon. Elbridge Gerry had been elected previously as the governor of the Commonwealth, with a working majority of the democratic party as his coadjutors. The possession of office was then, as now, the great object of political toil; and, on the 23d of May, before the day for the



THE FIRST COURT HOUSE, BUILT ABOUT 1740.





county to go into existence, he appointed Jonathan Smith, Jr., the sheriff. He had, also, on the 20th of the same month, appointed the Hon. Samuel Fowler the judge of probate for the same county. It will readily be conceived, that a corps of officers for a new county, appointed under such extraordinary circumstances, would arouse a spirit of intense excitement; and, probably, in consequence of this very act, a political change took place in the government.

There was manifested an immediate disposition to test the legality of the proceedings; and, on the 4th of February, 1813, an order was passed in the House of Representatives, requesting the attorney, or solicitor general, to file informations, in the nature of a *quo warranto*, to know by what authority the Hon. Samuel Fowler, Jonathan Smith, Jr., and divers other persons, exercised the offices to which they had been so appointed. The attorneys and solicitor generals refused to file the information officially, because they had not been requested by both branches of the Legislature, and they prayed the advice of the court in the premises, which it very properly refused to give, until the said Smith should be heard thereupon. Accordingly the proceedings were dismissed.

The next move in the direction against Smith, to which I refer, was a plea in abatement, in the case of Fowler vs Beebe, et al (9th Mass., 231). On the 17th of August, 1812, one Day, a deputy sheriff of Smith, had served a writ in the case of Fowler vs Beebe; and, at the return term thereof, on the last of the same month, Beebe pleaded in abatement, that Smith had received a pretended commission, dated May 23, 1812, from one Elbridge Gerry, with the advice of the council, appointing him sheriff of the county of Hampden; and, on the 14th of August next following, Smith appointed Day a deputy sheriff; whereas, on the day of said appointment, there was no such county as Hampden, nor any such office as sheriff. The plaintiff demurred to the plea, and Hon. Samuel Lathrop argued for the plaintiff.

The learned and Hon. George Bliss, as counsel for the defendants, with great zeal and ingenuity, opposed the demurrer; and in the course of his argument he perpetrated, what is said to have been, the only joke of his life. After commenting upon the legal authorities in Great Britain, and insisting that no such office existed, and no such county, at the date of the

commission, he said : " It was indeed possible, that the county of Hampden might come into existence, in the ensuing August ; that there might be then such an office, as that of sheriff of such possible county ; and that, at the time contemplated, Smith might be a fit and proper person to fill such possible office. This last, however, in the opinion of many, was *potentia remotissima* ! " It is hardly necessary to add, that notwithstanding the zeal and ingenuity of the counsel, the court held that Smith was *de facto*, the sheriff, though he might not hold the office *de jure* ; and that it was only by process against him personally, and not incidentally, in a suit between other persons, that his rights could be affected ; and so the demurrer was adjudged bad.

At the April term of the supreme judicial court, held at Northampton in 1813, the solicitor general filed an information, in the nature of a *quo warranto*, against the Hon. Samuel Fowler, requiring him to answer by what warrant he claimed to use and enjoy the office of judge of probate, for the county of Hampden, which office he had usurped. After summons to Fowler, Hon. Eli P. Ashmun, moved to quash the information, upon sundry technical grounds ; and he presented his views with great clearness and force. Bliss, in the absence of the solicitor general, replied, and the court over-ruled the motion. Ashmun, for the respondent, then pleaded in bar, that, on the 20th of May, 1812, the said Fowler was duly appointed by Gov. Gerry to the office of sheriff with the advice of the council, and was sworn by William Gray, the lieutenant governor, to the discharge of the duties. After oyer of the commission, and certificate, the solicitor general demurred, and the respondent joined in demurrer.

Bliss, in support of it, made a strong and learned argument, and Ashmun replied to it with great ability. In the course of his reply, he produced two certificates of the secretary of state, of similar appointments, in like cases. Mr. Bliss, in his closing argument displayed great ingenuity and a most unwonted zeal. I copy a few sentences of it, inasmuch as it is not fitting that such noble sentiments and such exalted precepts of political morality should be hidden in the sequestered pages of the volumes of the law reports. In reply to the argument of Mr. Ashmun, that similar appointments of other persons to other

offices should be considered as authority in this case, he very happily, and very pungently says : "It is however, to be hoped, that executive precedents are not all of them to be established by law. If they should be, our government would be, emphatically, a government of men, and not of laws. One governor divides, and another unites the militia. One orders detachments from it, and another declares the measure unconstitutional. One waits until there is an office before an officer is appointed, and another makes appointments, before the law has created an office. At one time, the executive causes it to be entered upon the public records, that an adherence to party ought to be the rule of elections to office. Another executive holds to the saying, *detur digniori* ; and, in the spirit of an old English statute, (12. R. 2. c. 2.) declares that 'no officer shall be ordained, or made for any gift, or brokage, favor, or affection, nor that any which pursueth, by himself or any other, privily or openly, to be in any manner of office, shall be put in the same office or in any other ; but that all such officers shall be made of the best and most lawful men, and sufficient' :—'a law,' says Sir Edward Coke (1. Inst. 234) 'worthy to be written in letters of gold, but more worthy to be put in execution. For never shall justice be duly administered, but when the officers and ministers of justice be of such quality, and come to their places in such manner, as by this law is required.' "

The court adjudged the respondent's pleas bad and insufficient, and the appointment void and without legal authority. Mr. Ashmun moved in arrest of judgment, and the case was continued ; but, at the next term of the court they overruled the motion in arrest, enjoined him from holding or receiving said office, and ordered judgment against him for costs. This seemed to have been the end of the controversy. As soon as the opinion of the court was ascertained, the residue of the offices were relinquished, and the federalists entered into the full possession of them.

My first acquaintance with the courts of judicature of the county of Hampden, commenced in the Autumn of 1825. I at that time became a student at law, in the office of my father, in Westfield ; and profiting by the authority of Lord Coke, who "would advise our student" "to be a diligent hearer and observer of cases at law," in Westminster hall, he advised me to

be a punctual attendant of the courts in the county, to read the declarations and pleadings of each case, to listen to the evidence and the arguments, to examine the making up of the costs, and, in short, to make each case my own. I am happy to say that I gave more than usual heed to these parental admonitions; and now, standing in this legal association, *in loco parentis*, I wish to say, for the benefit of those who have commenced, or shall hereafter begin to acquire a knowledge of the science and the practice of the law, that I never can be sufficiently thankful that such advice was given to me, and that I was wise enough so well to follow it.

The court of common pleas, as it was reorganized in 1820, consisted of the following justices: Artemas Ward, chief justice, John M. Williams, Solomon Strong and Samuel Howe, justices. The members of the Supreme Court, in 1825, were Isaac Parker, chief justice, Samuel Putnam, Samuel S. Wilde and Marcus Morton, justices.

Upon the death of Chief Justice Ward, in 1839, Judge Williams was appointed as his successor, and remained in office till his resignation, in 1844, when he was succeeded by Hon. Daniel Wells.

I never saw Chief Justice Ward upon the bench; but Judge Williams frequently held the terms of the court in this county, and was a most acceptable judge. He was well versed in the rules of practice, was quiet and gentlemanly in his manners, and when the questions which were presented for his decision had been discussed, he passed upon them, and the trial proceeded, nor would he indulge a further discussion.

Judge Howe was a citizen of Hampshire county, and an eminent lawyer at that bar. In connection with Hon. Elijah H. Mills and Hon. John H. Ashmun, he established a law school at Northampton, delivered a course of lectures, and heard the recitations of his pupils. He was a man of great industry in his studies, of great ardor of character, and exceedingly fond of legal discussions. He took a deep interest in the cases that were tried before him, and any questions of doubt, he was accustomed to reserve for further investigation. At the close of a term which he had held, he usually narrated to his pupils the cases that had been tried, and his descriptions of the conduct of the different counsel were exceedingly interesting. He died



about the time of my admission to the bar, in 1828, and the Hon. David Cummins was appointed as his successor.

The Hon. Solomon Strong remained upon the bench for a period of twenty-two years, and resigned in 1842. The western circuit was a favorite one with him, and he used to strive for the opportunity to hold it. His attachment to the lawyers in the western counties, of course, begat a corresponding attachment; and it was a pleasure to see the jovial face of Judge Strong upon the bench. If he was not so erudite as some of his brethren, he made up for it by the honesty of his purposes, and his strong common sense. He was kindly in his conduct to the junior members of the bar, and in all cases he exercised the strictest impartiality. Soon after my admission to the bar, a case was tried of Colton vs. Bliss, for the services of the former as an hired man, who had left his employer before the period of his agreed service had expired. Mr. Chapman, the late chief justice, was for the plaintiff, and the late Hon. Oliver B. Morris for the defendant. At the conclusion of the evidence, Judge Strong inquired, "Well, Brother Chapman, do you wish to argue this case to the jury?" Mr. Chapman was rather taken aback; but it was one of his first cases, and he felt confidence in it. "Most certainly I do," was his reply. "Well," said the judge, "you can go to the jury; but can you hold a verdict? Well, go on." Mr. Chapman proceeded to deliver an effective address; and, as I have often heard him in his best moods, in subsequent years, I have thought that I never heard him more effective in his address to a jury. Rising to give the charge to the jury, Judge Strong said, that the question for them to decide was one entirely of fact. Was the plaintiff justified in leaving the employ of the defendant before the expiration of the time of service, in consequence of the language of the defendant? "At the conclusion of the evidence," said he, "I intimated a most decided opinion for the defendant. I was wrong in giving such an intimation; perhaps wrong in my opinion. That is for you to judge. It is peculiarly a question of fact for the jury, and the court has nothing to do with it. You will therefore consider my remarks as not having been made, and, as you decide upon this question, such will be your verdict." After receiving proper instructions from the court, as to the law and the facts of the case, the jury prompt-

ly returned a verdict for the plaintiff. Mr. Morris at once moved for a new trial ; and, after a few remarks, said that it was unnecessary for him to enlarge, as the court had already expressed so decided an opinion. "I know I did," said Judge Strong, "but as I often do, I made a mistake. It was a question for the jury ; they have decided against me, and I cannot but say that they have decided right. The defendant upbraided the plaintiff at the breakfast table, and before his family, repeatedly, and in improper language ; and Brother Chapman says that it would have been beneath the spirit of a man to have submitted to it. On the whole, I think he is right, and I shall not disturb the verdict!" Mr. Chapman enjoyed and deserved his triumph ; but rarely has the conduct of a judicial officer inspired a deeper feeling of respect and reverence, than this conscientious manliness of Judge Solomon Strong.

To properly appreciate the character of Judge Strong, it was necessary to see him off from the bench, at chambers, in the hearing of motions, settling bills of exceptions, and to see him upon those social and convivial occasions, when, the business of the court being over, he gave himself up to the hilarity of the occasion. He was fond of a joke, a story, or a song ; he was full of anecdotes of men whom he had known in his youth ; and he had a fund of historical reminiscences that were exceedingly interesting. I well remember with what zest he used to relate a story of his own experience as a member of a school committee. Having served several years in that capacity with a deacon in the town, he notified the deacon that it was his last year of service ; and, that as he had always addressed the pupils at the close of the schools, it would be a good thing if the deacon should get his hand in, and to make an address before a new board should come in. The deacon assented to the arrangement, and the judge agreed to introduce him for the purpose of the address. Accordingly, at the close of the recitations, the judge remarked to the school, that he had been upon the committee for a long time, and had frequently addressed them ; but he should decline any future appointment ; and, with a few observations and a little advice, bade them farewell ; and then he added, that his colleague would make a short address to them in behalf of the committee. The deacon arose, stepped behind his chair, and, sawing forward and backward a few times,

gave a preliminary hem, and thus began: "My young frins; a kerect pronounsation is not only important in this world, but exceedingly valable in that which is to come!" There he paused; and, either because he had forgotten the residue of his speech, or conceived, that the proposition contained all that it was important to impress upon their youthful minds, he turned and said to his associate: "Judge Strong, does anything occur to you to be added?" "Nothing," said the judge; "nothing to be added!"

And now I am in the way of it, and as this is a family party, I may as well narrate an event connected with the judge, which occurred at the dinner-table of the bar. It will be recollected that the bar were accustomed to dine in a parlor by themselves. It was at the June term of the Common Pleas, the weather fearfully hot, the bar just seated at table, Judge Strong at the head, and Hon. Isaac C. Bates on his right, when an excellent and venerable member of the bar from the eastern part of the county, entered the dining-room in a glowing heat, and seated himself by the side of Mr. Bates. At that time it was the custom to use decanters instead of pitchers, for water, cider, or such other beverages as the company required. In front of our venerable friend was a decanter of sour cider, and by the side of the judge, a decanter of gin. The former was a strong temperance man; indeed, a teetotaler. He looked at the cider with wistful eyes, and thought of his dry, parched mouth; and he concluded to put in the smallest quantity of cider to qualify the insipidity of nature's best beverage. Accordingly he said, "Brother Bates, I'll thank you to pass me that decanter of water!" Mr. Bates handed him the Judge's gin. Pouring into the modicum of cider, enough of the limpid element to fill the tumbler, he drank it off at a draught. Alas! it was too fiery for the sensitive membranes of his throat and stomach; and when he at last recovered from his convulsive coughing, he turned to Mr. Bates, with a great vehemence of voice and action: "Brother Bates, you knew that that was gin!" The reply was simple and significant: "So did you!" "I aver," said he, "that I did not! I aver that I thought it was water." "Well played!" said Mr. Bates; "I did not suppose you had so much ingenuity in you. But let it pass. You've got the gin, and the judge does not object to it." "No," said the judge, "you are welcome, Brother Knight, to the gin;

and, if I had thought of it, I should have offered it to you ; but in that case we should have lost your ingenious ruse." "Judge Strong," said our venerable friend, now thoroughly aroused, "does your honor suppose that I would resort to such a contemptible trick, so slimy a device, to get a glass of your gin?" But the laughter had now broke forth in full volley, and Mr. Bates and the judge were forced to compromise the matter, by affirming that it was a mistake all round. He was at last pretendedly satisfied ; but, in the frequent conversations he had during the term, with his brethren, who were accustomed to enjoy his simplicity, he used to intimate that, notwithstanding all the protestations of innocence, he could hardly persuade himself that both Mr. Bates and the judge did not know it was gin.

Passing from the notices of those judges of the common pleas, who were in office when I first attended it, I pass to the judges of the supreme judicial court. It then consisted of Hon. Isaac Parker, chief justice, who sat upon the bench from 1814 to 1830; Samuel Putnam, from 1814 to 1842, and Samuel S. Wilde, from 1815 to 1850. The life of Judge Parker is well sketched in the judicial reports of the Commonwealth, by Chief Justice Shaw, his successor, and needs no addition to it from my hand. He was a mild and pleasant gentleman, exceedingly courteous to the young men of the profession, and a favorite judge with all the members of the bar.

It may as well be stated here, that not only the common pleas, but the supreme court, especially, was a more dignified tribunal than the courts of judicature of the present day. There were then no business suits, or bob-tail coats, disclosing the fashion of the seat of the pantaloons ; no fanciful and waxed moustaches, no exuberant goatees, within the circle of the bar ; but the officers of the court were clean shaven, clad in raven black ; nor did even "twilight gray" allow any member of the court to be clad, even "in her sober livery."

The approach, the entry into, and the departure from the temple of justice, would be a novelty to us in these days. By the side of the court, came the dignified and stern Sheriff Phelps, with his rod of office and his dress sword ; and, following them, were the members of the bar, the procession passing through the crowd of the citizens, which was divided at their approach. Entering the court house, the sheriff bowed to the



judge as he ascended the judgment-seat, and not until he assumed his seat was the audience seated. The sheriff then placed his official rod in position, suspended his threatening sword, shouted "Silence!" with his stentorian voice, and the crier, Mr. Brewer, opened the court for the routine of business.

At that time, and until the year 1832, the supreme judicial court had jurisdiction of the more flagrant crimes, and the grand jury was in attendance, under the charge of the solicitor general. I well remember the impression of awe, with which the opening of the criminal proceedings of that court inspired me. In the first place, the solicitor was the author of a book, that correct and learned treatise upon the duties of a justice of the peace, with an appendix of forms, reported to be of scrupulous accuracy. He was also a man of great presence and dignity; and, in the neatness and taste of his dress, not Apollo himself, with the aid of the choicest Parisian tailor, could have arrayed himself with more grace and beauty. When the grand jury, having been first empaneled and charged, were ready to report, a messenger was sent to the judge, who suspended the proceedings of the civil trial; the sheriff and his deputies caused to be vacated the seats of the first jury and a sufficient space adjacent; and the crowded court house was in anxious suspense for the appearance of the solicitor general and the grand inquest of the County of Hampden. At last the double doors were thrown open, and the procession appeared. First came the solicitor, his head freshly powdered, his ruffled shirt and sleeve ruffles of faultless form and whiteness, his hat and cane in one hand, and a bundle of papers, with a green silk bag, in the other, marching, preceded by a deputy with his staff of office, with a slow and measured step to his seat in the clerk's desk, while the loud cry of the sheriff,—“Make way for the grand jury!”—seemed to deepen the silence. The solicitor remained standing, and, looking earnestly at that great body, as if to see that every one was in his appropriate position, and then with a low bow and a graceful wave of his hand to them to be seated, he sat down. After a few moments' time, he rose, and announced to the court: “May it please your honor! the grand inquest of the body of the county of Hampden have found a number of indictments. I move, sir, that they be received and the defendants be called upon to plead.” Then came



the arraignments ; and, as the venerable clerk read over, in the technical language of the law, the story of each man's misdoings, it seemed as if a man must be a hardened criminal indeed to deny such a truthful accusation, and to trouble such a respectable looking gentleman with the necessity of proving it.

In despite of the dignity that seemed to hedge in the supreme court, there were occasionally scenes, in which the wit of counsel and the circumstances of the occasion, would sometimes awaken the hilarity even of a grave judge. At one of the terms, at which Chief Justice Parker presided, a man was indicted for adultery, and put upon his trial. Hon. Patrick Boise was for the defense. The case proceeded laboriously ; some of the witnesses were absent, and the solicitor was put to many vexations in disappointments and delays. Prior to the statute of 1840, it was necessary, in a case like that, to prove the solemnization of a marriage by an ordained clergyman, or by a magistrate. In that case the marriage was proved to have been only solemnized, but the difficulty was to prove the ordination. At last the witness appeared ; but he, though he supposed that the ordination had taken place, did not, of himself, know it. While the solicitor was in a quandary about the proof, the witness produced to him a printed sermon, purporting to have been delivered at the ordination of the clergyman. The solicitor offered it in evidence, with an air of triumph. "I object to it," said Mr. Boise. "What is the objection?" said the solicitor. "The fact that such a sermon was printed, does not prove that the ordination actually took place," was the reply. The solicitor called the Rev. Dr. Vermilye, then of West Springfield, to the stand, and enquired of him, if he had ever heard of a sermon having been preached at the ordination of a minister, where the minister was not ordained. The reply was,—"I have!" So unexpected an answer disconcerted the solicitor, and excited the merriment of the judge and the bar. It was finally ruled, that the sermon might be admitted, as evidence tending to prove the fact, but not as full proof of it. The solicitor arose, and with the look of an advocate who has surmounted his last difficulty, read the title-page of the sermon and offered it in evidence. Mr. Boise promptly rose and said to the chief justice : "If the solicitor general insists upon putting that sermon in evidence to the jury, I insist that he shall read the whole of it!" This was too much

for the gravity, even of the court. The idea of the solicitor, standing in the clerk's desk, and reading to the jury an ordination sermon, awoke the mirth of the whole audience. He seemed to be at his wits' end. Turning to the bar, he encountered a universal cachinnation; to the jury, he saw them laughing, at what they supposed to be a joke, of which they did not exactly see the point; and when he turned to the chief justice, and saw him convulsed with ill-suppressed merriment, he saw no relief from his discomfiture. At last, looking at the text and the title of the sermon, he said to the jury, "I see that the title of the sermon is 'A call to the unconverted'; I read the title-page to you, as my evidence in this case; and I commend the title, the text and the sermon to the serious consideration of my Brother Boise!"

HON. SAMUEL PUTNAM,

whose long service on the bench made him well acquainted with the profession in all the counties of the Commonwealth, was a most thorough and well-read lawyer. He was not so quick and ready in his apprehension of cases as some of his associates; but he never suffered a case to go to the jury without a full understanding of it. He was exceedingly valuable as a judge at the hearings of the law term. He made a great use of his books; and his opinions, and especially his dissenting opinions, exhibit great industry and talent in their preparation. In his manners upon the bench, he was the embodiment of kindness and good nature; nor did, I presume, any member of the bar ever see in him an instance of pettishness or ill-nature. Socially, he was a most agreeable and entertaining gentleman. He had seen much of the leading men of the former generation, and his anecdotes of them, his sketches of their peculiarities and their talents were interesting and instructive. I remember his description of a very eminent and learned lawyer, who was well versed in Coke and Fleta, but who did not imitate the style of Bacon and Seldon. He spoke of the singular terseness of his peroration in an action for a breach of the marriage promise. He represented him, in his manner of address, as standing with bowed head, hands behind him, and with closed eyes, turning now to the judge and now to the jury until he had succeeded in getting his back to the tribunal that was to assess the damages;

and, after finishing his comment upon the perfidy of the man, who, after a long courtship, had proved faithless to his vows, he closed his address with the following personal appeal: "And now, Mr. Foreman and gentlemen of the jury, I put the question to you, and to each one of you, on the subject of damages, what would you have your daughter bamboozled over in that sort of a way for?"

THE HON. SAMUEL S. WILDE

had been long upon the bench, prior to my recollection of it, and he remained upon it until 1850, when the infirmities of age compelled him to resign. He was a practitioner at the bar in the district of Maine, at the time of his appointment, and was in the enjoyment of a large practice. At the time of the incorporation of Maine as a State, he removed to Massachusetts, and thus our Commonwealth received the benefit of his judicial experience. It has always seemed to me that he was born for a judge; or, if not so born, he took to the duties of the office at an early age. He was apparently an unimpassioned man. Not that he was void of passion, or zeal; for no one could look at those expressive gray eyes that occasionally lighted up with an intensity of animation, or that long, thin face, that most strongly expressed the varying emotions of his heart, without being sensible, that, if his passions were not at all times restrained and controlled by the sense of duty, there existed a hidden fire, which might break forth and overleap those bounds, which he had prescribed for his judicial conduct. But those bounds he never passed. During the long period of his judicial career, I never saw in him the exhibition of peevishness or passion, or heard from him a word calculated to wound the feelings of a member of the bar. He entertained an unbounded respect for the administration of the law; and even in what are called "hard cases" he could not be swerved from carrying out its provisions. Probably no one of his associates was so familiar with the practice of real actions,—his knowledge of real estate law having been acquired in Maine, in the numerous suits to settle the disputed land titles in that State. His opinions are distinguished for their brevity and their plainness. They are not essays, or treatises upon topics of the law to which the cases relate; but they are simply decisions of the points in contro-

versy, and the reasons for those decisions. In his charges to the jury, he was singularly lucid and intelligible. He was brief in his addresses, and he seemed, by his wonderful power of generalization, to present the questions of fact to them in a manner plain to their understandings. He may have had disagreements of the juries; but in such cases it must have been from the extremes of stupidity, or wickedness. And yet no member of the court was accustomed to say and do so much, in the way of admonition to the counsel to hurry on the progress of the case. It used to be said at the bar, that if a lawyer did not well understand his own case, Judge Wilde would soon know more of it than he did. A counselor once apologized to the jury for the time he expected to consume in the argument of a very complicated case. He said it must be necessary for him to trouble them for more than an hour. "You are mistaken!" said Judge Wilde; "I never argued a case longer than three-quarters of an hour in my life. An hour is as good as a week!"

#### THE HON. LEVI LINCOLN

was appointed to the bench in 1824, and remained upon it but one year. I saw him but once as a presiding judge, and I well recollect his charge to the jury. He was of an ardent and excitable temperament, and seemed to present the case with the zeal of a counselor. Such is too apt to be the failing of a new judge, who goes from the excitement of the bar to the quiet dignity of the bench; and he would probably have changed his course of conduct had not the popular voice called him to a position, which, for nine years, he illustrated with wonderful executive ability.

His successor upon the bench, was the

#### HON. MARCUS MORTON,

who commenced his judicial career in 1825, and remained in office until 1840, when, to the general regret of the bar of the Commonwealth, he resigned a situation he was so well qualified to fill with honor and usefulness, for one which is sometimes considered,—erroneously considered,—as of more dignity. It would seem to many, at the present day, that the position in which Judge Morton was placed was one of peculiar embarrass-



ment. The members of the bar were for the most part members of the whig party, and most decided in their political sentiments. He was not only a democrat, but he was put forward by his party as a candidate for the chief executive magistracy. It is natural to suppose, that, in a time of great political excitement, the relation of the parties—the bar and the judge—would be constrained and formal, and that there could be no cordial sympathy between them. But such was not the fact. The amenities of professional life would of course restrain any open breach of decorum within the precincts of the court room ; but in the parlor, and in all those social entertainments where they were thrown together, there was no constraint and no want of sympathy. They met in the parlors in full communion of spirit, and there was no separating wall to divide them. Politics were discussed, party relations and anecdotes were narrated, but they were discussed by them not like partisans, but like gentlemen, and like brethren of the bar ; nor do I remember, in all the long intercourse of many, many years, one single expression to ruffle the sensitiveness of any one of the company.

I happened to meet the judge as he was leaving the custom-house, after the appointment of his successor. I expressed my regret, and the regret of our bar, that he ever should have exchanged the judicial ermine for any offices which a party could have bestowed. He pressed my hand and said: “I regret the separation more deeply than any other person can do. I shall never forget the many hours that I have spent with the bar of the Connecticut river. That decision has been the great mistake of my life!”

THE HON. CHARLES A. DEWEY

relinquished his practice in Berkshire county, removed to Northampton, and became a partner of Hon. Isaac C. Bates. They had a large and extensive practice at the time when he was appointed to the office of judge, in 1837. He remained in office till his death, in 1866, a period of twenty-nine years. He had a great familiarity with practice, and particularly with criminal practice, he having held the office of district attorney from the time of the creation of the office, in 1832, to his appointment to the bench. He was of great urbanity of manner, a thorough and accurate lawyer, and a most agreeable judge. The law



terms of the supreme court were held at Northampton, for the three river counties, and the leading counsel of Hampshire, Hampden and Franklin used to come together there to argue their cases. The spacious mansion of Judge Dewey was always thrown open upon those occasions, at a social party to the court, the bar and their families, who frequently made a point of being present, and to the elegant and refined society of the town. The parties were not vapid and formal collections of discordant individuals, but were an annual and social re-assemblage of parted friends. Their professional communion was always lightened by a profusion of delicate viands; and a copious variety of liquid beverages, produced that overflow of well-bred jollity that poetry ascribes to the effects of the fruit of the vine.

I am far from intimating that it was only at the hospitable mansion of Judge Dewey, that the members of the bar of the three counties were accustomed to assemble in social and convivial converse. A short time after supper, the members of the court were accustomed to betake themselves to the law library, or to the private library of Judge Dewey, to discuss, and, if practicable, to decide, such cases as did not require a more extended examination; and, of course, the members of the bar were left to indulge themselves in conversation, and in those enjoyments that are common to kindred souls. Their minds gradually tired of legal discussions. Grave disquisitions lightened into political and literary conversation. These were succeeded by jokes and anecdotes, until, at last, their souls broke forth into song; and it was not seldom that the culmination of the evening's enjoyment was a frugal supper. Generally it so happened, that, about the time for the evening symposium, the judges had adjourned from their consultation. They cheerfully took and maintained their seats at the table; and, during these relaxations from the toils of judicial life, they contributed from their stores of social experiences, to the prolonged enjoyments of lengthened nights. I ought not to omit, that, for years, Hon. Samuel L. Hinckley, a member of the bar of Hampshire county, was the sheriff of the county; and it was his pleasure, which he performed as regularly as though it were a duty, to open his hospitalities to his professional brethren.

At the decease of Chief Justice Parker, in 1830, there was a

deep-felt anxiety relative to the appointment of his successor. The two senior members of the bench were of about the same age and judicial service ; and each one of them was well qualified for the office. There were very many of the profession who had such a reverence for the character and talent of Judge Wilde, and such an admiration of his capacity for the administration of business, that a strong wish was expressed for his appointment. But the governor was an acquaintance of the Hon. Lemuel Shaw, and had known him when he was a member of the Legislature, and also in professional business ; and he astonished, at least, the western part of the Commonwealth, by nominating him for the vacant office. Never, perhaps, has there been a more fortunate appointment. He was in the full meridian of his days, and at the height of his usefulness ; and though he was only known to the profession in this vicinity, through the medium of the Reports, he soon vindicated, by his knowledge of the law, the wisdom of the executive. For a period of thirty years, he discharged the duties of the office of chief justice ; and his judicial opinions extend through fifty-eight volumes of our law reports. They are cited, not only in the courts of all the States of this Union, but also in the courts of all countries that adopt the common law. Each opinion is exhaustive of the subject for consideration ; and the cases are rare where any judicial tribunal presumes to over-rule an opinion of Chief Justice Shaw. He was deeply imbued with the learning of the old authors, and had read with zest those quaint, and almost obsolete reports, which now but rarely find a reader. His mind was stored with an accurate knowledge of the common law, and he made frequent reference to it in his decisions. His opinions disclose his familiarity with it. Instead of declaring what the law is, and referring to an adjudged case, as an authority for it, he begins by a reference to the general principle that governs it. and only refers to the cases, for the purpose of reconciling discordant opinions, or showing in what respect they are the true declaration of what the law is. Every one who examines his opinions is struck with their comprehensive nature. His decisions are not each one a barren declaration, *ita lex*, with a short application of the law to the facts ; but he labors, rather, to make each case the subject of a disquisition upon that branch of the law ; and by an explication of the prin-

ciples of the common law, to establish the general rule by which all such cases must be governed.

But it is not my purpose to depict the legal attainments of the chief justice. I propose, rather, to present to you my recollections of him as a man. He was a large, powerful man, though rather short, with a large head, and a face of unprepossessing appearance. Upon the bench, his manners were sometimes stern and austere. This did not arise from an acerbity of disposition, but from the engrossment of his mind with the present objects of his thought. No man had a kinder heart or a more generous nature; or, as I believe, was more anxious to avoid offense to the members of the bar, however his conduct, at times, might seem to the contrary.

I remember a laughable incident, which illustrates the habits and manners both of Chief Justice Shaw and Judge Wilde. The late Chief Justice Wells, of the common pleas, when at the bar, was arguing a case in bank, and, after concluding his remarks on one point, stated his next at length to the court. Judge Wilde, whose honest bluntness was too well known ever to give offense, remarked to Mr. Wells, "If you have got no better point than that, you had better give up your case." Mr. Wells replied that the general principle seemed to be in favor of it, and he had seen no contradictory decision; however, he said, he would submit it to the court; and then went on with his argument. In a few moments the chief justice said, in a loud and abrupt voice, "Mr. Wells!" The latter stopped suddenly in alarm, and the chief justice said, "Judge Wilde did not intend to disturb your feelings, or to prevent you from arguing your case in your own manner, sir!" Mr. Wells, who had forgotten the injury for which the chief justice was apologizing, or, rather, into whose mind it had never passed, replied to him, inquiringly, "I do not understand your honor!" "Why," said he, "Judge Wilde only meant to intimate a present opinion of his own; he did not intend to injure your feelings, but he is willing to hear and consider your views." "O," said Mr. Wells, "I've known Judge Wilde too long and too well to suppose him guilty of any unkindness." Judge Wilde, who, during this colloquy, had been in a quandary as to the meaning of it, and wondering, though hearing his name, what he had to do with it, exclaimed, "Oh, yes; Brother Wells knows too much of me to take offense at what I say! Go on!"

A delightful trait in the character of the chief justice was his readiness to yield his preconceived opinions during the trial of a case, when he was convinced that he was in the wrong. There are men, who, once having advanced an opinion, sometimes without such reflection as to make it a matter of judgment, will persist and adhere to it with the more pertinacity, the deeper they are in the wrong. Like Dr. Sangrado,—whose book recommended bleeding and hot water, and which treatment he was advised to abandon, because he made more widows by it than were made at the siege of Troy, and who declared that he would continue the treatment, though all the nobility, clergy and the people should perish,—they continue to maintain a loosely expressed opinion, when firmness has degenerated into obstinacy. But Judge Shaw had no pride of opinion. If such a simple-minded man could be conceived to ever act a part for the exhibition of stage artifice, he might rather be supposed to pretend to change, and yield his opinions, for the purpose of showing, by an example, how a strong and reasoning intellect can sacrifice intellectual pride at the shrine of truth. Upon one occasion, in a reported case, he startled the plaintiff's counsel, by asking if he had a case to show that the grantors of the plaintiff had a continuing authority; and, after a few suggestions, he expressed a decided opinion to the contrary and reported the case. At the hearing at the law term the counsel for the defendant declined to argue, alleging the decided opinion of the chief justice at the trial. "That is nothing to do with it!" said he; "that was my opinion then, without argument or authority. But was I right? That is the question now. You have heard the argument; I should like to hear your reply to it." The decision was reversed.

Of the varied knowledge of the chief justice, his extraordinary powers, and the sympathy with which his faculties were blended into one harmonious character, no one, who has not seen him when he was off from the bench and released from the thoughts and restraints of judicial cares, can form an adequate conception. When we have seen him in court,—either deciding the incidental questions, that suddenly arise at a *nisi prius* trial, often with but an extemporaneous argument and meagre authorities, or drawing up from that "deep well," of which Lord Coke saith that "every man draweth according to the strength of his



understanding," those principles of the law that had been recognized by the court,—we have been astonished at the breadth of his comprehension, the minuteness of his observation, and the strength of that chain of reasoning that led us along, so irresistibly, to the truth he labored to establish. He was not aided, in the impressions he produced upon us, by any adventitious circumstances. His voice was low and indistinct, his face dull and heavy, and his manner and style dry and painfully elaborate. But his learning seemed to well up without labor or effort, like water from an artesian well, from some inexhaustible subterranean fountain.

When we saw him in private life, either at the hotel, during the sessions of the court, in the parlor, with his professional brethren, during those delightful evenings when the awakened thoughts of the past, gleamed like a dream of recollections, of which all the harsh realities are softened and subdued by the kindly illusions of each man's heart; or at the frequent associations of his friends, at the entertainments of the club, it was there that he disclosed that diversity of learning, that made all his companions his eager listeners. He loved those social gatherings. He was no epicure; but he was fond of the pleasures of the table, including the liquid ones. They seemed to soften his heart, to wean him from the habit of meditating so constantly, more upon the rights of persons and the rights of things, than upon his intercourse with his fellow-men,—a habit which has a tendency to render a judge formal, reserved and austere, and to quench that sympathy between a judicial magistrate and the people, which it is so desirable to promote. Upon all these occasions his companions were made to feel how abundant were the stores of his information. What the poet said of Henry V., and which has been so pertinently applied to Alexander Hamilton, may well be said of the chief justice:

“Hear him but reason in divinity,  
And, all admiring, with an inward wish,  
You would desire the king were made a prelate;  
Hear him debate of Commonwealth affairs,  
You would say,—it hath been all in all his study;  
Turn him to any cause of policy,  
The Gordian knot of it he will unloose  
Familiar as his garter.”

He understood thoroughly the science of music. He was



acquainted with the structure of the church organ, and of the inherent difficulty of so constructing it as to express all the tones of the musical scale. He invented an improvement upon the piano, which is now in common use. "It occurred to me," said he, "that by raising the bass strings from the plane of the other strings, and stretching them across the center of the sounding-board, it would give room for the elongation of the strings, and thus increase the volume of sound. I made the suggestion to my tenant, and he adopted it;" and now we have the invention in many of our families. He was familiar with the racy songs of Charles and Thomas Dibdin, and the other old songsters, whose names have passed from memory, and we have often been furnished in these counties, with the best evidence that he was familiar with the tunes, also. On one occasion, he went to one of the whip factories of Westfield, to examine their nice and beautiful machinery. He regarded it with great attention; and, as he left the factory, he desired to descend to the basement and examine the motive power. Having examined the form of the wheel, he proceeded to give a scientific dissertation upon the powers of the different water-wheels.

It is impossible to estimate, or to exaggerate the usefulness of such a man as Chief Justice Shaw. The duties of a judge are performed within the walls of a court-house, or in his own library, where there are few or no witnesses; and, even in the court-house, the judge who discharges his duties with the least noise and tumult, and who sways the progress of trials, by his own dignity, in silent power, is generally the more useful judge. When he pronounces an opinion, how little do the people know how many silent hours have been spent over the midnight lamp in the preparation for it. Consider for a moment the thirty years of his judicial life! How many thousands of cases have passed under his examination and determination! Of how many millions of acres of real estate, of how many homes of our citizens, have the titles depended upon his decision! What untold millions of dollars have been changed from man to man, or have been suffered to remain with their original possessors, because of the law that he has declared! How many innocent lives have been preserved! How many persons entrenched in their power and pride have been arrested and punished, because he has meted out the law with fearless and unswerving justice!

And with all those thousands of persons, whose interests have been affected by his judicial determination, who has ever questioned its impartial justice? Who has not felt, that, if at any period, during his long and useful career, the secrets of his heart could have been thrown open, it would have disclosed no taint, no judicial stain? At the end of a long and useful life, we followed him to his grave with reverence and veneration; and we felt that to him the language of a quaint old English lawyer, in relation to Sir James Croke, might well be applied: He remained upon the highest seat of dignity and usefulness, "till a certiorari came from the Great Judge of heaven and earth, to remove him from a human bench of law, to a heavenly throne of glory."

Of the members of the bar of the county of Hampden, who were in practice at the time I commenced attending court, or even at the time of my admission to it, all are now deceased, except

NORMAN T. LEONARD.

He was admitted to practice in the county of Berkshire in 1824, and was admitted as an attorney of the supreme court in 1827. At that time he resided in Feeding Hills, West Springfield, and in 1830 he removed to Westfield.

JOHN INGERSOLL

was the oldest member of the bar in this county, except Hon. George Bliss. He was admitted to the supreme court in 1797 at Northampton, and resided at Westfield. At the time of the division of the old county of Hampshire, and the formation of this county, in 1812, he was appointed clerk of the court, and removed to Springfield. During his residence in Westfield, he and my father, ELIJAH BATES, were for many years the only lawyers in Westfield, and lived opposite to each other on the same street, in the closest terms of intimacy. Mr. Ingersoll was a most estimable man, and a useful member of society. It is narrated, that an aged lady of Westfield was much dissatisfied with the "woe" that was pronounced upon lawyers; for, she said, that both Esquire Ingersoll and Esquire Bates were really too good men to be sent to hell! Mr. Ingersoll was graduated in 1790, and Elijah Bates in 1794, and the latter was admitted to the bar in 1797.

The clerkship of Mr. Bates was spent partly in the law school at Litchfield, under the charge of Hon. Tapping Reeve, and partly in the office of Hon. Joseph Lyman, who was then a practising lawyer in Westfield, but afterwards removed to Northampton. Mr. Bates remained in practice until 1825; when, having initiated me into the mystery of making writs and deeds, and renewing executions, referring me to Oliver's *Precedents of Declarations and Chitty's Pleading*, he set me down to the study of Blackstone's *Commentaries* and Bacon's *Abridgement*, and betook himself to what he most enjoyed, the cultivation of his farm; leaving me to "come up" as a lawyer, wise or otherwise, as the Fates or my own industry should decree.

THE HON. GEORGE BLISS

was the senior member of the bar, at the time of my connection with it. He was called Master George, because he had been accustomed to have a number of students, and was reported to have been more than usually attentive to their instruction. I have understood that he prepared a course of law lectures, upon the different branches of the law, which he was accustomed to deliver to them. He appeared to be an old man, in 1825; and yet he was graduated in 1784, and died in 1830, at the age of 65. I never saw him in the common pleas. It was said, that, when that court was organized, in 1820, he desired and expected an appointment as one of the judges; and he was grievously disappointed at the nomination of Judge Howe, "one of the boys," for a situation to which he supposed himself so much better entitled. Therefore it was that he abandoned his practice in that court, and would not even give it his countenance. As a consequence, his practice fell off in the supreme court; for the public seems to expect, that if a lawyer is not willing to devote himself to their interests, in any legal tribunal, he is not the person to resort to for counsel. I do not know that he was ever a candidate for any judicial office, or would have accepted an appointment as a judge of either court. His friends, who estimated his knowledge of the law, attributed the neglect to appoint him, to his religious opinions; and the dissatisfaction that he felt with the constitution of the court, may have arisen from the fact that the judicial offices were given to those who were not so well qualified as he was, without even the compliment of

an offer of the office to him. He was, undoubtedly, a most thorough and erudite lawyer, as his arguments in the reports show, and as his reputation has come down to us. But he was far from being an eloquent man. He was no orator to steal away the hearts of the people, or to delight and astonish popular audiences. He had—

“Neither wit nor words,  
Action, nor utterances, nor the power of speech,  
To stir men’s blood.”

When addressing the jury, or the court, his hands were usually behind him, his head was bowed down and his language dry and terse; but he was so clear and direct, his reasoning so close and just, that he arrested and kept the attention of his audience, and, especially, of the court. As a technical lawyer, he was without a peer; and it was said, that he was fond of displaying his technical learning. I heard it related, that, having subjected an opposing lawyer to the imposition of terms, by a successful plea in abatement, the latter, in reading a writ, read as follows: “For that the said defendant, in the year of our Lord and Saviour, Jesus Christ,”——“What,” said the judge, “is the occasion of that profanity?” “Why,” said the witty relative, “I thought that if I did not allege what Lord it was, my Cousin George would plead in abatement!”

Soon after my admission to the bar, I commenced an action of covenant-broken, upon the covenant in a deed of warranty of lands in Virginia, for a failure of title. The case was complicated; and my father advised me to go to Springfield and consult Mr. Bliss; “for,” said he, “when you have a difficult, knotty case, there is no so good man to unravel it as Master George.” Accordingly, I went to his office, took from my satchel a large bundle of transcripts of trials, and judgments in Virginia, and opened my case. I waited to hear the responses of the legal oracle. In a few moments, he raised his head, and, in a petulant manner, inquired, “What did you bring this knotty case to me for?” “Because,” said I, “my father told me, that when I had a difficult, knotty case, there was no so good a man to unravel it as Master George Bliss.” The old gentleman,—for he looked old, and was always called old; but, if his head had not been so filled with Coke and Littleton, and the old black letter folios, he would then have been young,—gave a hitch in his



chair, and a sort of a half-gratified smile seemed almost to break out upon his face, as he said, "Well, that is just the way! If a lawyer has got a complicated case, that nobody can understand, then it is all 'Master George! Master George!' but if it is a plain matter, then off he goes to Oliver, or George, or Willard! But come, let me see your brief!" He went over it with me, step by step, examining the transcripts of judgment, the records of evidence of ouster and eviction, sometimes suggesting striking out unnecessary parts, and again adding to its particularities, until I could but wonder to what a perfect training his mind had been brought, with the peculiarities of a new case, new in its association of facts, but depending on principles as old as the English Justinian. My conference continued with the kindly, genial gentleman,—for when the crust was broken, I so found him,—for nearly an half day, when he told me he guessed I'd get along; that he didn't see how the defendants could dodge a verdict.

From hearing his argumentation of a few cases, in the supreme court, and more from my interview with him, I was persuaded that he deserved the reputation with which he was accredited. The fact that he was a formidable antagonist of the late Gov. Caleb Strong, is strong evidence in his favor. There was, it was reported, a feeling among the old lawyers, that the old court, which contained among its members Simeon Strong and Moses Bliss, was inclined to favor their relatives. I remember hearing repeated a poetical squib, which I was told was current at the bar, after the close of the Revolution, of which I only retain the last couplet:

The parties are fools, and the witnesses liars,  
And Judge Moses' learning but troubles the triers.

It was also said, that one of the old judges was accustomed to sleep, at times, upon the bench; and on a trial, the chief justice of that court, awaking him, inquired, "Who shall we give this case to, Caleb or George?" "Who had the last one?" inquired the sleeper. "George," was the reply. "Well, then, give this to Caleb!"

THE HON. SAMUEL LATHROP,

of West Springfield, was graduated at Yale College in 1792. I do not find on the record the date of his admission to the bar:



but his name is inserted on the list, in the appendix of the address of Mr. Bliss, and it is presumed that he was duly admitted, in course. In 1825, he still continued in practice; but it was partially interrupted by his long service in Congress, as a member of the House, and by his subsequent terms of service in the Senate of this Commonwealth. He was the son of the Rev. Dr. Joseph Lathrop, a man of a large frame, a dignified presence, and well calculated to impress himself upon those with whom he came in contact. He was able and attentive to his public duties, and, at different times, was nominated to the office of governor. He was said to have been a sound, well-read lawyer, and his arguments display his erudition, as they appear in our reports.

Next, in the order of seniority, of those who were in practice at the bar of Hampden county, in 1825, was the

HON. ELIJAH H. MILLS,

of Northampton. He was graduated at Williams College in 1797, admitted to the bar of the supreme judicial court in Northampton, in 1803, and was in large and leading practice. His election as a Senator of the United States interfered extensively with his professional practice; but, in the vacations of his professional duties, he had abundant retainers for the full power of his exertions. He was connected in business with Hon. John H. Ashmun, who was subsequently Royal professor of law in the University of Harvard, who was well able to prepare his cases, or to argue them, in case of the necessary absence of Mr. Mills. During the years 1827 and 1828, I was in the law school at Northampton, and was a clerk in the office of Mills & Ashmun. Of course I had the opportunity of observing, to some extent, the mode of preparation of their cases. This was mostly done by Mr. Ashmun, during the absence of Mr. Mills. He prepared an elaborate brief, noting the anticipated objections, and citing the authorities, and also setting down the objections to be made to the proposed evidence of the opposite counsel. This was done with a thoroughness, that I have no where else seen equaled in the practice of any other lawyer in my experience. The brief was submitted to Mr. Mills, who appeared to apprehend it instinctively, and with a slight conversation, he went forth equipped for the contest.

The latter was a man, in person, of full size, well formed, erect, and graceful in his carriage, with an eye, which, when lighted up with excitement, was as powerful as the eye of the Caliph Vathek upon the heart of a dishonest witness. He was connected with Judge Howe in the management of the law school at Northampton, but his health was then in a decline, and he gradually withdrew from the school, and at last from the active duties of the law office. When I first saw him, he appeared, to my boyish imagination, a most wonderful lawyer. At the courts in Hampshire, he was the adversary of Hon. Lewis Strong and Hon. Isaac C. Bates. The contests between them used to call together large audiences. The people seemed delighted to witness the intellectual struggles of these eminent advocates. Mr. Strong rarely came to Hampden, but confined his practice to his own county of Hampshire. There he was at home, in the midst of his neighbors and his friends, and in a community that revered him, not more, perhaps, for his distinguished father's sake, than for his own. But Mr. Bates was a regular attendant at our courts in Hampden, and, in almost all important cases, both he and Mr. Mills were employed in opposition. If one of them was employed, the other, almost of necessity, was employed also.

No one, who is acquainted only with the style and manner of arguing cases, at the present time, can imagine the exhibition,—for such it often was,—of the counsel in those days in their addresses to the jury. Before the trial began, the case was thoroughly examined. The juniors brought to the aid of the leaders their whole stock of evidence, and all such suggestions as would properly aid in the presentation of the cause. Full briefs were made up; and, when it could be anticipated, the closing address would be to a great extent prepared. Usually, a large audience of the intelligent people of the town, the friends of the parties from their vicinity, and, by no means seldom, numbers of the reverend clergy were within the bar, or upon the side bench, to enjoy a rich, intellectual repast.

And it was rarely that they were not gratified. The argument of a cause was an argument *for* a cause. It was to vindicate and protect right. It was to sway and influence mind. It was to induce the impartial, and upright, and conservatorial portion of a judicial tribunal, to mete out equal and exact justice be-

tween man and man ; and if the advocate, perchance, glanced from the panel, towards whose hearts all his energies were bending, to " the sea of upturned faces " surrounding him closely on every side, and saw and felt—felt from their very silence—their answering sympathies, he could not but feel his own heart glow, with a new fervor, from their enkindling. The eloquence of the bar, compared with that of many popular lectures, or the discourses of some other assemblies, is entirely of a different character. It is not made up of high-sounding phrases, and metaphysical syllogisms, that require an accompanying dictionary, or elaborate foot notes, to define and interpret. The client does not employ an advocate to amuse his audience with soft words, " in linked sweetness long drawn out," or to present them with sketches " that lead to bewilder, and dazzle to blind." It is his object, rather, to acquire and maintain substantial results ; to protect virtue and to denounce vice ; and, however coolly and unconcernedly a wrong doer may repose under the homilies of the pulpit, to make him smart under the infliction, when the lawyer is the preacher.

## HON. ISAAC C. BATES

was graduated at Yale College, in 1802, with the highest honors of his class. I have not found the date of his admission as an attorney of the common pleas, but he was admitted in the supreme court in 1807. He studied law in New Haven, and there he acquired that knowledge of general principles that served him so well in after years, in the place of continued study. Perhaps, as his friends thought, it was a misfortune to him that his tastes led him to some branches of agricultural pursuits ; and, for a time, he gave up to his partner the care of the office, contenting himself with arguing such cases as seemed to force themselves upon him. He had, however, those personal advantages,—that commanding presence, that rich, silvery voice, that graceful address, and that power of speech to stir men's blood,—that would not allow his powers to lie dormant. A speech of his before the Agricultural Society, in 1823, and an address before the Bible Society in New York city, about the same time, by the complimentary notices that they elicited, seemed to arouse his energies, and he devoted himself to the argument of important cases in the courts. His success was

brilliant and rapid. Retainers poured in upon him, and success increased by each new effort. In the county of Hampshire, he rivaled Mr. Mills, as one of the two leaders of the bar; and in a class of cases he far exceeded him. He rose with equally rapid strides in this county, and after the illness of Mr. Mills, he was the acknowledged leader.

His addresses to the jury were studied and eloquent; and where the facts and law of a cause would authorize it, his influence with the jury was omnipotent. Judge Howe, on his return from a term in Hampden, in narrating a speech of Mr. Bates, spoke of it as the most eloquent and effective speech to which he had ever listened; and Prof. Ashmun, in speaking of another argument, when he was upon the other side, said that he was so hurried along by the power of the advocate, that he, for the time, forgot on which side he was engaged, and that all his sympathies moved on with him in opposition to the case of his own client. I know that an eloquent address falls upon the ear of a young lawyer, with more of power and beauty, than in maturer years. But it has been my fortune to listen to the great orators of Massachusetts,—whom those of no other county or state have exceeded,—and I can safely say, that I have never heard more powerful addresses to the jury than from Isaac C. Bates. He was elected, and served for several terms in the House of Representatives, and for a period of five years in the Senate, and his eloquence in each body received high commendation. Those who listened to, or read the glowing tribute to his memory at the time of his death, that was pronounced by Mr. Webster in the United States Senate, will appreciate how feelingly the words of the great senator portrayed the eloquence of one, whose lips were to be evermore silent.

THE HON. OLIVER B. MORRIS

was graduated at Williams College, studied law with Mr. Bliss, and was admitted to the bar in 1807. He married his daughter, and commenced practice in Springfield, where he continued it, until, at a late period of his life, he retired from the profession, and devoted his time to antiquarian and literary pursuits. Early in life, he was the prosecuting attorney of the county; then he obtained the office of register of probate; and, on the decease of Judge Hooker, he became judge of probate. He performed



the duties of these various offices with industry and ability, without a suspicion of unfairness ever attaching itself to him. His law practice was large and profitable. He was an impulsive man, became intensely interested in his client, and labored with corresponding effort. After he retired from practice, his heart continued in the profession, and he loved to linger in the courtroom, and watch the progress of events in a theater, in which he had formerly performed so leading a part. He died in 1871, at the ripe age of 88 years.

HON. ALANSON KNOX,

or General Knox, which was the title that he was known by, was admitted in 1810, and was a native of, and, during the greater part of his life, practiced law in Blandford. He had, at different times, many students in his office, among whom was his son-in-law, Hon. Reuben Atwater Chapman, afterwards chief justice of our supreme judicial court. In the latter years of his life, he removed to the State of Ohio.

ASAHEL WRIGHT

was a graduate of Williams College in 1803, settled in Chester, married a daughter of the Rev. Aaron Bascom of that town, continued in the practice of his profession there until his death in 1830, at the age of 48. I have but a faint recollection of him. His professional business was small, but he was highly esteemed as a useful man, in the affairs of the town, and society, and his decease was felt to be a serious loss to the people.

HON. DANIEL WELLS

was a native of Greenfield, was graduated at Dartmouth in 1810, and was admitted to the bar in 1813. He is said to have been a most diligent student, and he certainly was a profound lawyer. For many years he was the leader of the Franklin bar, and was in a large and successful practice. He was for one year a State senator ; and there was an incident in his life, which shows the difficulty of special legislation.

A case was submitted to him for examination, and he found that an action could not be brought to try the right, at a court of law, without a special provision for the purpose. Being nominated as a candidate for the Senate, he consented to stand for



the office, and was elected. As chairman of the judiciary committee, he reported a bill, which passed to be enacted, and he went home and brought a suit under its provisions. At the hearing, at *nisi prius*, Judge Wilde ruled, that the act did not provide for such a case ! Mr. Wells insisted ; and, as a conclusive argument, stated to the court that he drew the bill for the purposes of that case, and that such was the design of the committee. "Then," said the judge, "you did not say what you ought to have said ; for such is not the meaning of the words of the act," and, on exceptions, such was the ruling of the whole court.

Mr. Wells had acquired such a reputation at the bar, that, in 1837, when a new judge was to be appointed, his friends presented his name as a candidate, with a strong representation from the bar. Mr. Dewey, however, received the appointment, and he succeeded to the office of district attorney, made vacant by the elevation of Mr. Dewey to the bench. He continued in this office from 1837 to 1844, and during the period he devoted himself to the performance of its duties, with a faithfulness, a diligence, and a laboriousness, that has never been surpassed. At one time, during his term of office, he was called to attend a session of the court in Middlesex county, to conduct the prosecution of William Wyman, the president of the Middlesex bank, for the fraudulent embezzlement of its funds. The defence was conducted by Mr. Dexter, one of the ablest lawyers in the Commonwealth, assisted by Mr. Webster. It was a long and ably contested trial ; and the perusal of the history of it, as well as the account which is given of it, bears full testimony to the ability of Mr. Wells, as counsel of the Commonwealth.

Upon the resignation of Chief Justice Williams, in 1844, Mr. Wells was appointed to the office of chief justice of the common pleas, and remained in the office for a period of ten years, till his death in 1854. As to the manner in which he discharged the duties of his office, there has been a difference of opinion. But, I apprehend, that there has been no doubt, in the mind of any one, of his conscientiousness, his impartiality, and his purity of character. No man, who ever sat upon the judicial bench, could ever assume, with more propriety than Daniel Wells, that noblest motto of a judge,—

"No favor sways us, and no fear shall awe !"

His errors arose, so far as they were errors, from his convictions of judicial duty. The court, in his opinion, was a place where justice was to be administered ; and it was the duty of a judge to see that it was properly done. He commenced his administration of the law with the presumption, that each party would entrust his case to his own lawyer, and abide the issue upon his skill. He likened a judicial trial to a tournament, where the opposing knights were to continue the contest, until the victory was won, while the judge was only to sit, like the arbiter of the tournament, and see that the counsel conducted the struggle with decorous fairness. But, as he afterward found that clients came to the most important trials, with counsel unequally matched, one of them, as he once expressed it, "like a large fish, swallowing his small adversary, case and all," he concluded that if it was his duty to see justice done, it was necessary to do something else than to sit still, and rule only upon the points of law raised by the counsel. It was necessary to interfere, to inquire, to suggest, and, to a certain extent, to take part in the trial of a case.

Whenever a judge commences acting upon this theory, he enters at once upon the field of discretion ; and the exercise of judicial discretion depends upon individual temperament, the depth of moral convictions, and the correctness of judgment, as to the extent of the interference, that is necessary to secure the correct decision of a case. If a judge essays, not only to decide the questions that arise according to the law, but, by occasional suggestions, to prevent the skillful lawyer from taking an unfair advantage, there is no occasion for any complaint of magisterial interference. But if he adopts the conclusion that it is his duty, not only to hold the scales of justice between the parties fairly, but to weigh the talents and efforts of the respective counsel, to balance the scales by his own aid to the weaker party, he at once makes himself a party to the cause, and does a greater injury to the opposing party, than if he were to leave the bench for a time, and assume openly the role of the advocate. So far, therefore, as his nice perceptions of what was right may have led him to overstep the line of judicious discretion, he may have been amenable to censure ; but no one who knew the purity of his mind, and the justice of his heart, would ever suspect him of an improper motive.

## WILLIAM BLAIR,

a native of Blandford, was admitted in 1813, and settled in Westfield. During his clerkship, he had a high reputation as a young man of an acute mind, who bade fair to take a distinguished rank at the bar. He was always an ingenious, pains-taking lawyer, in the habit of making a thorough investigation of the law and facts of his cases, and presenting them to the court in the best form. Early in life he had formed a habit which impaired his energies, and held him back from that eminence that his youth had promised. But he had an element in his character that no habit could impair, and that was his high sense of professional honor. He realized to the fullest extent his duties to others, and, except in one particular, his duties to himself. No temptation, however pressing, could ever swerve him from his duty to his clients, his profession, or to the world; and no one ever heard from him a profane or indecent expression. As may be inferred, he died poor, the victim of what may well be called a disease, against which he had long and faithfully struggled, but which, it seems, he could not conquer; and when he died, at a full old age, he received not only the commiseration and pity, but the respect of all that knew him.

## HON. JOHN MILLS

was settled in Southwick, and married the daughter of Col. Enos Foote. He was a native of Sandisfield, a student in the office of John Phelps of West Granville, and was admitted to the bar in this county in 1815. His business was extensive and well attended to, and he amassed a considerable property by his professional practice. His personal appearance was prepossessing. He was of medium size, rather burly in person, of a florid complexion, and his head was of a polished and glossy baldness. He early took to politics, and his fine appearance and his urbane manners aided his reputation for talent, so that he was, in 1826—1828, placed in the senatorial chair of the president. He is said to have made an excellent presiding officer.

It will be recollected that in the year 1824, Lafayette, the early and faithful friend of the United States, paid a grateful visit to the scenes of his youthful sacrifices and dangers. He showed, on many occasions, that he had a wonderful recollection of persons, whose faces he had not seen for nearly half a cen-

tury, and there were few large places which he visited, where there were not persons presented to him whom he called by name. But a memory of the strongest tenacity is not always infallible. When he visited Boston it was, of course, in the order of the performance, that he should be presented to as many as possible of his old acquaintances, all of whom he appeared anxious to see, as did they also to see him. A space of half a century having elapsed since their last meeting, both parties were prepared to expect time's changes; and it was wonderful that he should have been so often able to look through the wrinkles of eighty, upon the youthful face of thirty years. It happened at that time that Mr. Mills was a member of the Senate, and, with the other senators, he came up to the desk of the president of the convention, and was duly introduced to the Revolutionary hero as the Hon. John Mills, the Hampden Senator. They shook hands with great cordiality; and, as Lafayette rose up from his bowing position, his eye fell upon the polished head of the young senator. Looking at him with an intense gaze, a delightful recognition stole over his joyous features, and, taking again the hand of Mr. Mills in both of his own, and shaking it cordially, he exclaimed with fervid energy: "My dear friend, I recollect you in the Revolution!"

Succeeding, in right of his wife, to the handsome estate of his father-in-law, Mr. Mills removed to Springfield, and erected a beautiful residence upon one of its encircling hills. But he had left a profession, to the pursuit of which he was fully equal, for the hazards of an uncertain voyage upon a sea of commercial speculation. In a short time, one misfortune after another began to assail him. The sources of his confidence dried up. The desire to extend and accumulate, became a desperate struggle to retain. At last, the unwilling and bitter truth must have forced itself upon his conviction that, to a man whose youthful anticipations, whose growing desires, whose very life has been educated to the sure and proportionate rewards derivable from the exercise of an honorable profession, its compensations are more to be desired, than even the golden streams that follow the course of successful adventure.

THE HON. PATRICK BOISE

was a native of Blandford, and a graduate of Williams College. He studied law with his uncle, John Phelps of West Granville.



He was admitted to the bar in 1815, and succeeded to the professional business of Mr. Phelps, who had been appointed to the office of sheriff of the county of Hampden. Here, for a time, his practice was extensive. The centralization process, by which the flourishing mountain towns have been gradually concentrating their industries in the cities and large towns, had not then commenced. Granville was then comparatively populous and thriving, and its business of all kinds was exceedingly flourishing. This was especially so as to its law business. The people did their business of that kind at home, instead of resorting to Westfield or Springfield. Mr. Boise was one of the leading counsel of the county, and his practice used to call him to the smaller controversies in the vicinity of his residence, and to attend arbitrations and references in the western part of the county and in southern Berkshire. Upon these occasions, he used to encounter in opposition, Sheldon of New Marlboro, Filley of Otis, Twining of Sandisfield, Mills of Southwick, Cooley of his own town, Knox of Blandford, and occasionally the grave and dignified looking Lathrop of West Springfield. An arbitration or a reference in those days, was an event long to be remembered. Reasonable notice was always given to the country around. The ball-room of the village tavern was cleared out and made ready. Viands were prepared of both kinds, solid and liquid, and always in great abundance; and in the afternoon beforehand, the respective counsel, usually on horseback, with a pair of saddlebags, stuffed out with a shirt and a bundle of law books, met their expecting clients, and proceeded to prepare for the coming engagement. The supper, bountiful beyond modern imagination, foreshadowed the good things that were to come. Not to speak of the substantials below the dais, for the ordinary guests, and such travelers as chanced to be present, the abundance upon the board where were seated the arbitrators, and the lawyers, indicated either that they had endured a long fast, or that they needed an extraordinary supply for the exhausting encounters of the morrow.

It was in those trials that Mr. Boise was at home. He had great experience in them. Always a pleasant and an easy speaker, and, on these occasions, unrestrained by the technical rules or the formal requirements of a judicial tribunal, he gave a free range to his imagination. He was an impulsive man,



easily excited, and with a store-house of words and phrases to express the results of his convictions; and when he was excited by controversial debate, especially if he thought his opponents were unfair in their opposition, or when his sense of justice was aroused by the unworthy conduct of the opposing client, his invective was withering.

There was a high sense of justice in Mr. Boise, that was apparent in his professional conduct, and which gave him a great advantage with juries or arbitrators. They were apt to believe that he was honest; and, if the facts would authorize it, he was very apt to win a verdict or an award. These arbitrations or references usually continued for two or three days; and when the case came on for argument, a large and appreciative audience was almost always present, to listen to the well-prepared and eloquent arguments of the counsel.

At the expiration of the term of office of Hon. Caleb Rice, as sheriff of the county, Mr. Boise was appointed as his successor. He was a proper person to officiate as "the companion of the court;" and he ever discharged the duties of the office with dignity and discretion. He was, during his life, a member of the Legislature,—of the House and Senate,—and also a State councilor. In every situation, no suspicion tainted his pure fame.

In the year 1830, yielding to currents of business, he removed to Westfield, where he remained until his decease in 1859. No member of the bar exhibited a more racy wit than Mr. Boise. Scarcely a trial took place in which he was engaged, where a bright attack or a brilliant repartee was not uttered. He had an abundance of expressions and phrases, which were always fitted to the subject or to the person, and used to provoke a general merriment.

He was associated with me in the trial of Jesse Hall, on a charge of murder. Hall refused to state the whole facts in the case, and his obstinate reticence subjected him to a verdict of murder, instead of manslaughter. Repairing to the jail, after sentence, he was with difficulty persuaded to state the facts. "I am guilty," was all we could extract from him. After ascertaining the truth, we prepared a petition for a commutation, which he hesitated to sign. Mr. Boise was provoked, and said, "Do you want to be hung?" This staggered him, and at last

he said, "Squire Boise, what sort of a place is the State prison to live in?" The reply was, "A great deal better than any place you ever lived in, in Tolland!"

In speaking of the address of a fluent speaker to the jury, he said, "My learned brother has got a vivid imagination, and wind enough to blow it off!"

THE HON. JUSTICE WILLARD,

of Springfield, was admitted to the bar in 1816, and settled in Springfield. He was a member of the Senate, and on the appointment of Oliver B. Morris to be judge of probate, in the place of Judge Hooker, he succeeded Mr. Morris as register. As a lawyer he was a sound one. As a special pleader, he was acute and logical, and he had, perhaps, no rival in his knowledge of the science, except Master George Bliss. Eloquence was not his forte. His manner was dry and hesitating, and he was too much given to refining and making nice distinctions, to impress his views upon the jury. But he had a great fervor of character; and when he had once examined a subject, he adopted the results of his examination with his whole heart. An example will illustrate. During the examinations, bearing upon the policy of constructing the railroad from Boston to Albany, a public meeting was held at Springfield, at which sundry reports were made of the prospective amounts of business, the rate of speed, and number of passengers, which reports, if now exhibited, would provoke a smile at the general incredulity. After a number of persons had spoken, Mr. Willard arose, with his accustomed ardor. Warming with his subject, he concluded as follows: "Mr. President, I am told that I am apt to be too sanguine. But, sir, when I consider the improvements of the age, the new discoveries that must hereafter be made in that wonderful machine, the steam engine, and the new applications of the power of steam, I believe, and I am ready to declare,—and I do declare, here, before this audience,—and some of you may make a note of it,—that during the lifetime of some persons standing here, a train of cars will run from Springfield to Boston, between sun and sun!" And then pausing, and drawing himself up, and shaking his finger with oracular solemnity, he continued: "Yes, sir, I repeat, between sun and sun! and back again in the same day!!" The prophesy was received

with a deafening shout, and the enthusiast sat down amid the jeers of the audience. The Hon. John Howard, a strong friend of the road, who sat next to me, exclaimed, "There ! Willard is so sanguine, that he always throws an air of burlesque over the most solemn subject !"

But the scene, where the peculiarities of Mr. Willard shone forth with the most resplendence, was when wit, and humor and song contributed their fascinations to the gladdened heart, in the social circle of his friends at their friendly convivialities, or at his own hospitable board. Upon such occasions, the intensity of his temperament always carried him a flight beyond the conceptions of his most vivacious companions, and excited in them a constantly recurring wonder at his grotesque imaginings. It was not an assumed jocularity, or an extravagant explosion, made for the purpose of astonishing his friends by his amusing wildness ; but it was the genuine emotion of his heart, true and natural, and giving more joy to them, because they knew that it was the undoubting sincerity of his transient extravagance.

HON. CALEB RICE,

a graduate of Williams College, was a student in the office of William Blair, and was admitted to the bar in 1819. He settled in West Springfield, and resided in the next house to the Hon. Mr. Lathrop. The law business of this town also, like that of the other large and flourishing towns in the county, had sought the absorbing center, and he felt constrained to remove to Springfield. When established there, the next step was to quit the quiet walks of the profession, and to enter into the more enticing business of political and commercial life. Before his removal, he had succeeded Hon. John Phelps of Granville as sheriff of the county, and had also represented his town and county in the House and Senate ; and when he became a resident of the city of Springfield, the people naturally sought a gentleman of his energy and talent to fill the office of mayor. For many years he filled these offices to the universal approbation of the people, and when he retired from them he engaged in other pursuits.

Mr. Rice never aspired to the business of an advocate. But he was a good lawyer, prudent, careful, and sagacious. Few

lawyers exceeded him in the skill of preparing a case, and presenting its points to the leading counsel. In all the relations of life, he enjoyed the respect and confidence of the community, and died at the ripe old age of 81, in the year 1873.

CHARLES F. BATES,

of Granville, was graduated at Williams College in 1812, studied law with his brother, Elijah Bates of Westfield, was admitted in 1815, and settled in Southampton. It was a hopeless place for the business of a lawyer, and I believe he selected it as being the only town in the vicinity that was not represented by its village counselor. A few years were sufficient to discourage him, and he returned to his paternal acres and devoted himself to agriculture. His parents were dead, all the members of a large family had emigrated, and his old neighbors were all gone. His children had settled in Ohio, and sighing over the desolation that had sent away the population of a once beautiful but now deserted village, he removed from the place of his birth, the bright scenes of his youth and the home of his manhood, to a distant land, to die among his kindred.

ASA OLMSTEAD

was from Brimfield, and was admitted in 1819, from the office of George Bliss. He did not long continue in practice, but removed to Clinton, N. Y., where he died in the spring of 1874. He married the daughter of Dr. Bond of Enfield, Ct. The latter years of his life were devoted to the care of his estate; and it is said that he spoiled a good lawyer, in making an ordinary farmer, though a successful manager.

ELI B. HAMILTON

was also a native of Blandford, and a pupil of General Knox. He was admitted to the bar in 1815, and settled at Westfield. He was a man of strong common sense, and more than usual talent. Nothing was wanting to his success but continued and faithful application. But this was a quality which he had not, and, in the constitution of his nature, he could never have; the very intensity of his temperament forbade it. He felt "another law" in his members, warring against the law of "his mind," and bearing him away from his books and the love of his books,



to those scenes, employments and exercises, for the enjoyment of which he was especially fashioned. In size and figure he was the embodiment of strength and manly grace. He was over six feet in height, erect and well proportioned; and, with no marks of obesity, his weight was two hundred and sixty-four pounds! In my conception, he realized the description of Richard Cœur de Lion, as portrayed by Sir Walter Scott in "The Talisman," and in "Ivanhoe." The mention of these romances recalls an incident that illustrates that fidelity and naturalness of description, that pervades the delineations of that wonderful author. I had just loaned "The Talisman" to Mr. Hamilton, who was a great admirer of the Waverley novels,—the only books, almost, that could keep him in his office; and, having occasion to pass by it, I saw him standing, stripped to the waist, his body thrown back as if to spring, and his right hand grasping a chair, extended, as in the act to inflict a crushing blow. "What in the world," said I, as I entered, "are you doing?" "I am trying to look like Richard! but I cannot start out the muscles from my brawny arm, like the cordage of the ivy round the limb of the oak! I am too fat!"

Mr. Hamilton was an ardent lover of natural scenery. He loved to wander over the country, and particularly into its wildest scenes. With his dog and gun, or with his fishing-tackle, he used to roam over the mountains, and through the valleys, fording brooks and rivers, and never changing his wet clothing when he returned, because, as he said, it exposed him to a cold! He was born with a constitution for the years of Methuselah, and with a strength and activity that I never saw equaled; but exposure and irregularity told their tale, and the strong man yielded himself, in the very pride of his years.

HON. JAMES COOLEY

was a native of East Granville, a graduate of Williams college, and a brother of Rev. Dr. Timothy M. Cooley. He settled in the practice of the law in his native town, and was a useful citizen, and a good practical lawyer. He represented the county as one of the members of the Senate, and was always respected, in all the situations of life, for his probity and honor. He was admitted to the bar in 1814, and was a student in the office of John Phelps in West Granville.



## HON. GEORGE BLISS, JR.,

was admitted to the bar in 1816, after his clerkship in the office of his father. He at first settled in Monson ; but, soon after, removed to Springfield, and formed a co-partnership with his father-in-law, Jonathan Dwight, Jr. The firm was Dwight & Bliss ; but Mr. Dwight was never seen by me in court, and I suppose that the business of the firm was carried on by Mr. Bliss alone. He was a graduate of Yale College, of the class of 1812, and was a good scholar and well educated for his profession. His knowledge seemed to be at his fingers' ends ; and in a case of emergency, it was always at his command. No lawyer at the bar was more careful in his preparation, or thorough in his examination of the law. Of course, he was more than ordinarily successful. At the organization of the Western railroad, he embarked in the enterprise, and finally gave his whole time and attention to it ; and, after resigning an office which he had filled for many years, he yielded to a request of those who had appreciated his services, to take a similar charge of a road at the West. He finally gave up all those employments and retired to his own fireside ; and, in 1873, he died at his home, leaving an untarnished reputation to his children. He was, at different times, a speaker of the House, and a president of the Senate ; and it was while in the former office that he received that brutal insult, that no falsehood could explain away.

## AUGUSTUS COLLINS

was born and educated in Connecticut, was admitted to the bar, practiced for a time in Berkshire, and finally settled in Westfield. He was a most diligent and studious office lawyer, always at his post, with pen in hand, ready for a deed, writ or contract. He was a constant reader of the reports and the statutes, and was the principal magistrate before whom civil and criminal cases were tried in his town. He was accustomed to elaborate the preparation of his cases to a fearful extent, and the leading counsel had an exhausting labor in reading, comparing and analyzing the numerous cases that his industry had collected. He died at his home, in Westfield, leaving an estimable reputation as an impartial, intelligent magistrate, and a useful citizen. I cannot ascertain the dates either of his birth or

his death. Even his tomb-stone is strangely barren in this respect. It merely announces his name, and age as 62, with a scriptural quotation of no particularly antiquarian value.

## SOLOMON LATHROP.

He was admitted in 1816, and settled in West Springfield. For a short time after my connection with the bar, I used to see him at court, but his business was not extensive, nor did I ever see him engaged in judicial trials. My impression is, that he left the State for the West.

## SAMUEL JOHNSON.

I find his name entered on Mr. Bliss' list of members of the bar of the county of Hampshire, but I do not find the date of his admission. He was in practice several years after my acquaintance with the bar, in the town of Huntington, then Chester village. His business was by no means extensive or profitable, although he is said to have possessed talent sufficient to have made it so. He was a singular man in his dress, and in all his tastes. His hair was long and uncropped, with a profusion of unguents permeating the mass, the whole brush apparently innocent of a comb; every hair standing, lying and curling independently, and as if at war with every other hair of his head; his capacious pantaloons, constructed, probably, according to his own directions, certainly not by the conception of any possible tailor; his large frock coat, with its long flowing skirts, extending itself beyond the dimensions of an overcoat; an immense loosely rolled bundle of white muslin encircling his neck; a narrow outbreak of cotton cloth below the short vest and above the nether garment, betokening a shirt; and, to crown the whole, an immense, old-fashioned, yellow seal-skin, bell-crowned hat on the top of his head, completed the picture of an object, that would have made the fortune of any collector of rare curiosities, or called together a crowd at the museum of Showman Barnum.

The appearance and manners of this extraordinary specimen were as peculiar as was his dress. He was a large, good looking man, of over six feet in height, and more than two hundred pounds avoirdupois, erect in his form and dignified in his carriage, stately and formal in his address, deep-toned and deliber-

ate in his utterances, impressing a beholder with the belief, that he possessed all the wisdom that he pretended to have, and perhaps something more. Having little professional business to attend to, and with time enough upon his hands, he devoted himself to the pursuit of historical studies and the perusal of such literature as the town libraries afforded him, and his mind was well stored with a chaos of learning. He balanced, with even more than Johnsonian accuracy, the ponderous sentences, which were modeled upon the style of Rasselas, and swelled their mellifluous sweetness by an admixture of the smooth and somewhat indefinite phrases, which add so much to the harmony of Counselor Phillips' speeches. He was a standing Fourth of July and Eighth of January orator; and he yielded himself readily to the wishes of even a small number of his neighbors, who wished to listen to his lucubrations. Some of his orations were published at the time of their delivery, and if they are still extant, they would be objects of careful preservation.

On one occasion, he argued a case before the court at the law term; and it was said that the court was divided on the question, which was the most remarkable, the lawyer or his argument. With all this oddity, Mr. Johnson was an excellent and a useful man. At a period of his life, far too late for his own good, he married a most estimable woman and removed to the West, and there, it is said, he established the reputation of an able and useful lawyer.

#### WILLIAM KNIGHT

was admitted as counselor in 1820. He was settled in Wilbraham, and was, to a considerable extent, engaged in the practice of the law, though he was employed more particularly as an office lawyer, administrator, executor and guardian, etc. He took little or no part in litigated business, but used to come, occasionally, to court, for the purpose of attending to his collecting business. I was but little acquainted with him; but he seemed to be an estimable man, of great simplicity of character, and was much esteemed by his fellow-citizens, as a prudent, careful and honest lawyer. He removed, several years since, to the State of Ohio.

## ALFRED STEARNS.

He was a native of Hardwick. For a few years he was an usher, and then the preceptor of the Westfield academy. He was a man of some literary attainments, but with no striking legal qualifications. He was a student, and, for a few years, he was the law partner of Elijah Bates in Westfield. But the arrangement was not a lasting one. His success in carrying on business on his own account was not prosperous, and he finally removed to the State of Illinois, where he died. He was admitted in 1820.

## JOHN HOOKER, JR.

He was the son of Hon. John Hooker, the first judge of probate of the county, studied law, and was admitted in 1813. I never heard of his having an office, or practicing at the bar, except in his own cases, and then he was accustomed to call in associate counsel. He was engaged, while I knew him, in business foreign to the employments or the desires of the profession.

## JOSIAH HOOKER

was a younger brother of John. He was admitted in 1829, and attended, to some considerable extent, to professional business. He was an excellent lawyer, and a learned and useful man. As an arbitrator, a referee, or an auditor, he was one of the most capable members of the profession. Always fair and impartial, not only with the ability to discern the right, but with the courage and honesty to do it, he was frequently called upon to act in those capacities; and, though it is said that the discharge of those duties always is unsatisfactory to one of the parties, yet no one ever arraigned his uprightness of intention, his rigid impartiality, and generally not even the wisdom of his decisions.

## ERASMUS NORCROSS

was a native of, and settled in Monson. He was admitted in 1823, and practiced for a short time in his native town. I do not remember seeing him at court.

## JOHN B. COOLEY

was admitted to the bar in 1822, and was settled in Brimfield. He was a man of talent, but not a hard student or a laborious

practitioner. He was a man of wit and humor, and desirous rather of having a jovial time than of accumulating money or fame. Many years ago, he removed to the West, but within a short time he returned to this Commonwealth.

RICHARD D. MORRIS,

of Springfield, was a brother of Judge Morris, and for a few years his partner. He was admitted to the bar in 1822. At the commencement of the building of the Western Railroad, he was employed to settle the land damages, and to attend to the other office business of the corporation. He accordingly relinquished his professional business, and devoted himself exclusively to their interests. He died in 1870.

WILLIAM BLISS

was admitted in 1822, and commenced practice in Springfield. For some considerable time he was the law partner of Justice Willard, and the firm of Willard & Bliss was engaged in the transaction of considerable business. The health of Mr. Bliss was poor, and he accepted the office of county commissioner, in the hope that air and exercise would restore his energies. But the attempt proved vain. He was a promising lawyer, and died, leaving a high reputation for talent and character.

HON. WILLIAM B. CALHOUN

was admitted to the bar in 1821. My impression is that he was a student of Mr. Bliss; but whether from want of taste for the profession, or an absorbing love of politics, he had very little to do with professional practice. The desire of political office, in some persons, and in some families, seems almost to run in the blood, and many a man is ready to relinquish the true honors of life, and his capacity for usefulness therein, for an appointment by the executive, or the choice by the people to a situation, in which respect does not follow the appointment, or the choice. Mr. Calhoun was a man of talent. For many years he was a Representative in Congress, from this district. In 1828 he was chosen Speaker of the House in this State, in which office he remained till 1835; and in 1846 and 1847 he was the President of the Senate. He at last, in impaired health, retired to his farm, a home in which he found that peace and quiet, that he



had failed to find in the scenes of political turmoil, in which the greater part of his life had been spent.

JAMES STEBBINS

was admitted to the bar in 1813, and practiced law in Palmer. In his old age he removed to Springfield, his native town, where he died.

JAMES W. CROOKS.

He was a native of Westfield, a graduate of Yale College in 1818, and for some years a teacher in Westfield Academy, and afterwards in Springfield. He studied law with Mr. Bliss, and was admitted in 1824. His office was in Springfield, on the "Hill," where he was at some time in large business. He died in 1867. As a teacher he had an excellent reputation, and in all respects was an agreeable, companionable man.

FRANCIS B. STEBBINS

was a native of Granville, admitted in 1826, and settled in Brimfield. He was a lawyer of studious habits, and attentive to all the duties of his profession. When at court, he was particularly attentive to the trial of cases. He gave careful heed to the management of each cause, and studied the pleadings, and watched the examination of the witnesses. He became a skillful practicing lawyer, and had attained a good standing as an estimable and useful man, when he removed from the State to Central New York, and became engaged in the grain or flour business. He married the sister of Hon. Thomas H. Bond, of New Haven, and is now deceased.

MATTHEW IVES, JR.,

was a student in the office of Mr. Blair, and was admitted, in 1827, as an attorney of the common pleas. He did not engage in practice, but devoted his attention to other pursuits. He was a member of the House and Senate, and for many years the postmaster of this town, in the time of Gen. Jackson.

FRANCIS DWIGHT

was a student at the law school of Judge Howe, and was admitted in 1830. He early removed to the State of New York,

where he engaged in the cause of common school education, and, after a short life of usefulness, he died.

JOSEPH D. HUNTINGTON

was a student with Augustus Collins, in Westfield, admitted in 1831, and removed to Lancaster, Mass., where he died. He never practiced in this county.

GEORGE B. MORRIS

was admitted in 1840, was a student in the office of his father, and commenced business in company with his brother, Henry Morris. On the resignation of Richard Bliss as clerk of the court, he was appointed as his successor; and, until his death, in the year 1873, he performed the duties of the office in a faithful and obliging manner. He was kind and social in his habits; and we know of no other officer to whom the members of the bar were more justly attached.

HENRY VOSE

was admitted in 1841. He practiced for a few years in Springfield; but, when the common pleas was abolished, and the superior court was substituted for it, he was appointed as one of the justices, in which office he remained till his death, in 1869.

ERASMUS D. BEACH

was a student in the office of his uncle, John Mills, and was admitted in 1833. He practiced in Springfield, and his business was extensive. He had at different times several partners: James W. Crooks, William G. Bates, Edward B. Gillett and Ephraim W. Bond. He was a courteous and a successful practitioner, and exercised a great influence with the jury.

LORENZO NORTON

was a student in the office of Chapman & Ashmun, was admitted in 1843, and became a partner in their firm. He died about 1850. He was a diligent and faithful lawyer.

HON. EDWARD DICKINSON.

Since the delivery of this address, and the publication of this edition of it, Mr. Dickinson has died. He was a member of

the House of Representatives, and died suddenly, in the latter part of the same day that he had been engaged in the discharge of his duties, upon an important question in the House. He was born early in the year 1803, was graduated at Yale College in 1823, in the same class with Hon. George Ashmun, of whom he was a room-mate, and a life-long friend. He was a student who applied himself severely to his books, who was regular in his habits, and took a highly respectable rank in his class. In his college life, he was distinguished by the traits that have illustrated his whole life. No one was more decided in his opinions. He adopted them upon a mature examination, and adhered to them with what many people would call an unprofitable persistency. His independence, perhaps, stood in the way of his advancement, but it did not weaken the respect of the people for his intelligence or honesty.

#### AMOS W. STOCKWELL

was a graduate of Amherst College, in 1833, and studied law at Harvard Law School. He was also a student in the office of Hon. Isaac Davis, of Worcester, and for a short time, his partner. He at last removed to Chicopee, where, for several years, he was an honorable practitioner at the Hampden bar. Unfortunately, his health was not strong enough for the labor devolving upon him, and the community was soon deprived of a useful, and much respected lawyer. He died in 1853.

#### REUBEN ATWATER CHAPMAN

was born at Russell, in Hampden county, on the 20th of September, 1801. His parents were poor, and in too humble circumstances to give to their children anything in the way of education, except what was to be obtained at the common school of the town. Their home was in a sequestered district of the town, remote from neighbors, and with little opportunity to obtain books; and the school of the district was kept only for a few months in each year. The vacations were spent by him in labor upon the farm. His time was so well employed, that he was engaged as a school teacher, and taught in the neighboring town of Montgomery at the early age of seventeen years. He afterwards went to Blandford as a clerk in a store. The young men of that town established a lyceum, or debating

society, young Chapman became a member, and distinguished himself as a debater. He at length entered his name, as a student at law, in the office of Gen. Alanson Knox, of Blandford. He soon mastered the ordinary routine of country practice, and was accustomed to attend justice's trials in Blandford and in the neighboring towns, encountering, sometimes, the lawyers in the vicinity, and sometimes their students. At the time of his admission to the bar, he enjoyed the reputation of being an able and acute practitioner.

He was admitted to the bar at the March term of the court of common pleas, in 1825, and opened an office in Westfield. There were then, in that town, a large number of law-offices, a number much too large for the necessities of the town and its vicinity, and he was much disappointed with his success. In 1827 he removed to the quiet town of Monson, and, finding the demand for his services there too limited, he removed, in 1829, to the more thriving town of Ware. He was at once regarded in the light of an intruder; and a feeling of professional rivalry ripened into controversy. He was not a person to come off second best in such a state of things, and he had obtained a lucrative and an increasing practice, when he was invited to a co-partnership with the Hon. George Ashmun, in Springfield, in this county. He came to Springfield in the year 1830, and the firm of Chapman & Ashmun was formed. Subsequently, Mr. Lorenzo Norton was admitted as a partner, and remained as such until his death. In 1850, the firm was dissolved, and Mr. Chapman, for a time, conducted his business alone. In 1854, he took Mr. Franklin Chamberlain as a partner, and the relation continued till the appointment of Mr. Chapman as a justice of the Supreme Judicial Court, in 1860, Mr. Chamberlain removing to Hartford, Conn. Upon the vacancy in the chief justiceship, by the retirement of Chief Justice Bigelow, in February, 1868, Mr. Chapman was appointed as his successor, and continued to fulfill the duties of the office until his death, June 28, 1873.

It is by no means an easy task to prepare a satisfactory estimate of the professional character and services of the late Chief Justice Chapman. That which, in some portions of the Commonwealth would be considered eulogy, in another part might be considered as faint praise. His practice at the bar, before

his elevation to the bench, was chiefly a local practice. In a few cases, he appeared before the jury in the eastern counties, and occasionally in Berkshire county; but his professional efforts were mostly exerted in the old county of Hampshire. His term of office, as a justice of the court, was also for a comparatively short period, and he filled the high office of chief justice only for a period of a little over five years. By the arrangement of the terms of the court, for the convenience of the justices, a greater rather than an equal proportion of the terms of the court were held by him in the central and western portions of the Commonwealth; and, in consequence, the people and the members of the bar in the eastern counties were not so well acquainted with his capacities. Any estimate of his ability is one which puts him to a trying test. He who assumes the mantle, so long worn by those great men who have so long and so ably filled the office in which he died, must indeed be a great man, not to suffer in the comparison. Few of the present members of the bar remember Parsons; but his reputation still represents him to us as the "giant of the law."

A greater number, especially of the older members, remember Parker. He had been a public man, before he was elevated to the bench, and his high reputation was exalted by his ability in a new sphere. But the great part of the legal profession, and indeed, of the people of the Commonwealth, were educated under the legal teachings of Chief Justice Shaw. For a long period,—from 1830, to his death, in 1861, he had filled the office of Chief Justice. His opinions, scattered as they are over volumes of our Reports, if collected and published as a separate work, would constitute many volumes of the most valuable judicial essays and disquisitions of perhaps any legal mind in this country or in England. When, therefore, we sit down to estimate the talents and character of any person who has succeeded to an office that these three great men have occupied, we insensibly are led to the institution of a contrast or comparison, without reflecting, that, in every age of the world, and in all countries, there are always a few representative men, whose names stand out from among their contemporaries, as worthy of the general homage of the world.

Cicero was accustomed to boast, that by his "studious nights," and "his laborious days," he had enabled himself, a



*novus homo*, to sit in the ivory chair of the Fabii, and the other noble patrician families of Rome. Certainly it is no less a matter of pride, when a young man emerges from a sphere of poverty, at the age of seventeen years becomes a teacher of our public schools, and, through all the gradations of a laborious life, rises constantly in the scale of intellectual progress, till he crowns the honors of his life by faithfully performing the duties of the highest judicial office in the Commonwealth.

Let it not be understood that, because the late lamented Chief Justice Chapman was of humble origin, of a limited education, and comparatively unknown to the bar and the people of the Commonwealth, that he was deficient in any of the qualifications which are necessary to form a good judicial officer. It is rather to his credit, that, with these disadvantages, he should, in his short term of office, have won the respect and approbation of the members of the bar, and of the public, by an exhibition of talent which no one who did not know him intimately was authorized to expect. Entering upon legal practice with nothing but a common school education, acquired in the intervals of daily toil, he acquired a knowledge of the Latin language, and was a reader of the ancient classics in that tongue. And, in the midst of his laborious professional duties, he also applied himself with success to the acquisition of the French and German languages. His studies also were extended into the sciences; and, in his associations with distinguished scientists, he has been able to sustain himself honorably in conversational discussions. In one respect he succeeded admirably as a chief justice. He was a most excellent administrative officer. He properly appreciated the evils of the law's delay, and he was of a character to push forward the legal business of the court to speedy justice.

Another trait of his character was his entire impartiality. He considered a judicial tribunal as a theater for the ascertainment of right, and that the legal forms of procedure were the necessary securities by which the rights of parties were to be investigated and established. Without regard, therefore, to the parties litigant, and with no influences of friendship in favor of the opposing counsel, he labored to discover the substantial merits of the controversy, and to apply the principles of practice to the triumph of justice. The opinions which he has left

upon the record bear testimony to his industry and his talent. They are generally brief, being rather decisions of the questions of law in dispute, than long disquisitions upon the law. His language is concise and clear; and no one who is desirous of ascertaining, can fail to understand what the point of law is, that he proposes to decide.

There was one admirable trait in the mind of the chief justice, which distinguished him, both at the bar and on the bench; and we allude to the quick appreciation of the evidence, and the points of law in the case. He was always distinguished for his readiness in understanding the facts, and his application of legal principles to it.

ANSEL PHELPS, JR.,

Was born in Greenfield, studied law in the office of Wells, Alvord & Davis, at Greenfield, and was admitted to the bar in 1840. He was settled in his profession in the town of Ware, where he continued until the year 1846, when he removed to Springfield, in this county, and became the attorney or legal adviser of the Western Rail Road. In this capacity, he attended not only to its business in court, but at hearings before the Legislature. He was a member of the House of Representatives, and the Senate; and was, in all situations, an active and intelligent person. Mr. Phelps was a man of extraordinary energy and zeal, and threw his whole soul into his business. He was, from the year 1856 until 1859, mayor of the city of Springfield, and he deserved the confidence of his constituents, in the discharge of the duties of the office. He died in the year 1860.

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I have thus given what you will scarcely believe to be a brief statement of my recollections of the members of the bar in the county of Hampden, who were more early in practice than myself, of several of my contemporaries, and a few of the younger members. A fear of being still more tedious has compelled me to omit much that would be necessary to render the narration desirably complete. A delineation which would be a history of the members of the bar would swell into a volume. Nor have I ventured to speak so particularly of the characters and talents of those who have lived in these latter days. It

has been my object, rather, to refer to the senior members of the bar, whose ability and virtue have done so much to form its reputation and to give it the high standing it ever has maintained in this community. Let me say, then, of my seniors and contemporaries, that I know not on the wide earth a body of more upright, honest and just men, than were the members of the Hampden bar. Their word was like their bond, inviolable, and they seemed to have no wish to violate it. Agreements between them needed no instrument in writing to bind them to the performance, and, except in regard to one or two unfortunate cases which fell short of that high professional character that formed the reputation of the bar, I do not remember that I ever heard a dispute or misunderstanding between two of the members about a verbal agreement. Then, as now, there was a strong feeling on the part of each counsel in favor of his client. Then, as now, it was hard to give up a preconceived opinion. But each one submitted himself without evasion to his convictions of the law. Soon after my attendance at the court began, a motion was made by Mr. Bates on one side for a set off of two judgments of opposite parties. He presented his views with great clearness, confessing that he had found no adjudged authority. Mr. Chapman, with whom was Prof. J. H. Ashmun, replied to him. Prof. Ashmun then said that the argument of Mr. Bates reminded him of an adjudged case which he would read, as a friend of the court and not as counsel. When he had concluded it, Judge Strong said, "Well, Brother Bates, you and the supreme court seem to have indulged in the same train of thought, and I do not doubt but you will plead not guilty to the charge of reading their opinion!" "I am sorry," said Mr. Bates, "to be obliged to confess that I am not guilty!" How honorable was it in this learned lawyer to produce to the aid of the court an authority that was conclusive against his own client.

It was customary for the judge to invite the officiating clergyman, at the opening of the court, to dine with him and the bar at their rooms. On one of these occasions, the Rev. Dr. Osgood was at dinner, at the right hand of Judge Putnam, and the conversation turned upon the relative influences of the law upon the conduct of the different classes of society. Judge Putnam said, "During my long life and my judicial experience,

I have observed and reflected much upon this subject ; and, making all allowances for my professional bias, I am compelled to say that there is no class of society, and no profession, that is so free from crime, and that has ever manifested so abiding a reverence for the laws of God and man, as the legal profession. I say it, and I say it with regret, not even excepting your ministerial profession." "I fully agree with you," said the doctor. "Whether it is their knowledge of the law and their fear of it that deters them, or their frequent observation of crime in others that disgusts them, or whether it proceeds from the influence of a correct moral principle controlling their conduct, I know not ; but I confess that the fact is so !" "It is so !" resumed the judge. "We have scoundrels in all the professions. We have Gilbert Glossin and other rascals in the legal profession, as they have Dr. Lampedos in the medical (the man who tried to keep his patient sick by pills and drops which he had tried upon a dog to see if they were dangerous) ; but, as a general fact, what I have said, I believe to be true."

This conversation took place more than forty years ago. It made a deep impression upon me then, and I have often reflected upon it. I submit to your adjudication,—Is not the declaration of Judge Putnam true ? I speak not now of other counties, and especially not of other states, but have not the lawyers of the old county of Hampshire sustained the reputation that was thus ascribed to them ?

We are all acquainted with the characters of those whose names have come down to us embalmed in the annals of that respected county. We have all known, either personally or by a recent tradition, the men of whom I have spoken, whose reputation, as a body, though the men are now dead, "yet speaketh." We have known of their virtues by the hearing of the ear, and our eye seeth the great moral power that the influence of their example hath exerted upon the world ; and we cannot but acknowledge with reverence and gratitude the obligations of society for their wisdom and guidance.

Let me recall your thoughts to the consideration of the subject to which I first called your attention. Let me again refer to this dedication of a court-house, or rather this consecration of a temple, to the purposes and the worship of law. And, as we carry back our reflections from the present to the past, we



cannot but be astonished at the striking contrasts. At one time, the inhabitants of Hampshire were so few in number, the legislative body ordained, that, while the people should be so few in number that twelve suitable persons could not be found to constitute a proper jury, six persons should be considered a competent number! Now, our own county, one-third part of the county of Hampshire, consists of a population of 80,000 souls. Then, the valuation of the whole of the old parent-county was so small, that the taxes assessed upon it were authorized to be paid in "cattle and corne," upon the appraisal of an indifferent person! Now, the valuation of the county of Hampden, by the apportionment of 1872, exceeds \$58,000,000. Then,—as the remonstrance of the town of Westfield, representing the situation of the shire town of this county two hundred years ago, alleges,—Springfield "hath been sorely under ye blasting hand of God, so that it hath, but in a lower degree than ordinary, answered ye labor of ye husbandman!" Now, its population exceeds, probably, 30,000, and its valuation \$37,000,000! Then, its courts were held in the dwelling house of "ye worshipful Major Pinchon," or in places of which the record or history is silent, until the new court-house was erected by the joint expense of the town and county, about a century and a half ago! Now, we are met to dedicate this judicial forum, one of the most beautiful in this Commonwealth, if not in any State of this Union!

Hardly less astonishing is the contrast between the first court-house, standing upon a site in Court House lane, which cost £30, and the present building, situated upon land of the value of \$75,000, and on which has been expended \$185,000,—a structure apparently intended to be as permanent as the Roman forum, or the exhumed temples of Pompeii or Herculaneum. I need not describe the particulars of the contrasts. The enterprise of one of the journals of the city has displayed to the eye of the people, a representation more satisfactory than any description.

I crave your indulgence for a few moments, while I allude to the court-house of 1821. I well remember the controversies in reference to its site,—a portion of the inhabitants of Springfield striving to locate it near the Unitarian church, in the garden of Hon. Jonathan Dwight, instead of in its present location. I





THE SECOND COURT HOUSE, BUILT 1821.



saw, at different times, the rising of its walls, and I rejoiced at its magnificence, at its completion. From the year 1825 to the short period that will complete the half century, I have been almost a constant attendant at the sitting of the courts ; and for forty-six years I have been an actor in its forensic controversies. It has been to me my professional home, and connected with all the associations of my life. It has been the scene of my first professional hopes, my earliest efforts, my matured exertions. It has been the place where I expected to unclasp and hang up, upon its resounding walls, the controversial harness, when its weight should be too cumbersome for the infirmities of age. No wonder its old halls are dear to me, and that I leave them with regret. A thousand memories crowd upon me, as I utter this last tribute. I seem to see the venerable clerk, a man that no one could look upon but with respect, or approach without reverence. There, also, was the abrupt and loud-voiced Sheriff Phelps, prompt and energetic in the maintenance of order, but always kind, polite and courteous. There, too, was the burly crier, Mr. Brewer, watching with an eager eye each motion of the judge, and shouting forth to all people who needed the aid of the court to approach and they should be heard ; and at the adjournment thereof, proclaiming, in tones more of a command than a petition, "God save the Commonwealth of Massachusetts !" I seem to see, also, the court-room, crowded to its utmost capacity with an appreciative audience, listening with an unrestrained delight to the classic eloquence which was poured forth from never-failing sources, not more dazzling from its brilliancy, than constraining and swaying the reason by its strength and power. But, alas ! all those voices are now hushed. Of all the members of the bar, prior to the period of which I have spoken, there are but two survivors who can appropriate the language of the poet,—

"What is the worst of woes that wait on age ?

What stamps the wrinkle deeper on the brow ?

To see each loved one blotted from life's page,

And be alone on earth, as I am now !"

My brethren of the bar,—Though I have already invaded so long the time of this audience, you will permit me,—indeed you will expect it of me,—to address a few words to you, personally. I venture the more freely upon your indulgence, because I have

so often witnessed your own readiness to invoke the patience of the jurors. I have spoken of the characters of our predecessors at this bar, and of the bar of the old county of Hampshire, but I have studiously refrained from speaking of our own reputations. Each one of us well knows, by a more certain knowledge than the public can ever possess, what his own reputation should be, and that reputation is, of course, according to his own deservings. Each lawyer stands, as it were, upon a pinnacle,—an epistle “known and read of all men.” A thousand eyes are upon him, and if he yields to the temptations that assail him,—temptations greater and more numerous than lie in wait for the weaknesses of any other men,—he finds himself in the presence of a community that scans his conduct with an unsparing criticism, and visits his transgression with a relentless censure.

During the past few years, it must be confessed, the character of the legal profession in some parts of our country, has suffered much of obloquy, in the estimation of the world. The moral sense of a large portion of the community has been blunted; and many of our profession have sunk with it into the slough of national immorality. They have turned aside from the narrow path of professional honor, to wander into the by-ways of fraud and corruption. They have departed from the temple of the law, or rather have entered into it, as money changers and extortioners, from which they should be driven by “a scourge of small cords.” They have brought into the market not only their legal services and their professional skill, but have sold themselves also to the purposes of speculation and crime, and when the popular indignation has at last become aroused, and exposure and punishment have demanded a victim, they have loaded, as upon a scapegoat, the burdens of their own sins upon one of their number,—perhaps the most innocent, but probably the most unskillful,—and driven him forth into the wilderness; while, with their pockets filled with the *choses* of corruption, they have gone up into the temple, and, with a solemn mien, thanked God that they are not, “as other men are, extortioners, unjust, or even as this publican.”

Thank God, this professional demoralization has as yet made no lodgment in the western part of the Commonwealth. The counties that once constituted the parent-county of Hampshire,

are still loyal to the influences of those great and pure men, who bequeathed their precepts, their conduct, and the history of their whole lives, as examples for us to follow; and if there shall, hereafter, arise within our borders those unprincipled men, whose chicanery and fraud disgrace the fair fame of the American bar, we owe it to ourselves, to the character of the profession, to the welfare of the public, whose reliance is upon the aid of honest and honorable lawyers, to OUR COUNTRY,—that comprehensive phrase, which embraces the being, the permanence, the “eternity of the State,” and has depended and still depends, upon the fidelity and fealty of a virtuous legal profession,—we owe it to all these objects of our duty and regard, to cause their names to be expunged from the roll of honorable men.

It was said by Mr. Burke, in describing the character of an eminent statesman: “He was bred to the law, which is, in my opinion, of the first and noblest of human sciences; a science which does more to quicken and invigorate the understanding, than all other kinds of learning put together; but is not apt, except in persons very happily born, to open and liberalize the mind exactly in the same proportions.”

We are far from supposing that either blood or birth can aid in liberalizing the mind of a lawyer. We should place more reliance upon the zealous pursuit of classical studies, and the cultivation of those social qualities which do so much to invigorate and sweeten life. He who confines himself exclusively to the consideration of one subject, either law, medicine, theology, or any one of those reformatory measures, that engross so entirely the minds of so many men, is apt to settle down as a man of one idea, and can never aspire to the honors of an Erskine, a Curran, or a Stowell, a Jeffrey, a Brougham, or a Talfourd; or, in our own country, a Marshall, a Shaw, or a Story, a Webster, a Pinckney, or a Choate. Let no one say that the practice of the law is too engrossing to allow him to devote his time to the cultivation of his mind in classical literature. Not to refer to those distinguished men whose times of recreation have shed such a halo upon the polite learning of England, or to that great chancellor, whose learned treatise was composed while he was waiting for his dinner; let us refer to the biography of our own Choate, who, for a long course of years, never failed to



devote at least one hour each day to the ancient and modern classics, whatever may have been the engrossment of his professional avocations.

There is one thing for which all of us have time enough. Each one of us can deepen his respect for the law, and cultivate those social affections that should unite the members of the legal association into one brotherhood. We should have but one interest, and the same object ; and, while our struggle should be to make our lives useful to the community, by our respectful treatment of each other, we shall thereby render them more pleasant to ourselves.

We do not, I apprehend, sufficiently realize the relation that our profession sustains to the State, and our consequent obligations to each other. It is a relation, the importance of which cannot be overestimated. The legal profession has ever been, and, of necessity, must ever be, a fundamental social organization, commencing at the birth of civilization, and keeping pace with its advancing progress. The very first cry of man, as he emerges from savagism, is for protection. He does not call for favoritism, but for security. He asks not for the property of others, but for the protection of his own. "Secure to me," is his cry, "the sacredness of the family relation, protect me in the enjoyment of my own property, and the fruits of my own labor, and my own industry shall accumulate my own wealth. So organize the social force of the community, that it shall be able to punish fraud, and repress violence ; so arrange the instrumentalities of the law, that its strong arm shall allow me to sit under my own 'vine,' and my own 'fig tree, with none to molest or to make me afraid,' and then I shall truly feel, that the accumulations of my industry are not merely transient acquisitions, but are, in truth, parts of my permanent possessions, to minister to me, in the enjoyments of the family, during my lifetime, and, when I shall cease to live, to descend to a succeeding generation."

It is this confidence of the people in the power of the law,—as the great conservator of the public peace,—and a reliance upon an honorable and learned profession to direct its enforcement, that gives the stimulus to individual industry, and is the source of national wealth ; and I think it will be found true, in the history of the world, that the degree of wisdom of a nation's

laws, and the efficiency of their enforcement, is, to a great extent, the true measure of its national wealth.

The legal profession has ever been true to the appeal of the people. Not to refer to those distinguished lawyers, who led the advance of civilization in our mother-country, and who were denounced by arbitrary power, as "popular lawyers," a class of men who had "most affrontedly trodden upon the royal prerogative," let us look to the early history of our own country, and listen to the voice of its own recent traditions.

What a bright roll of honorable names adorns the annals of our own brief history! How distinguished have been those self-educated statesmen, who moulded the minds of the people, and imbued them with a knowledge of the doctrines of the revolution! How confidently did that people follow their lead, in the discussions of the ante-revolutionary period! And, when the slogan cry of John Adams, "Sink or swim," was sounded in the convention, with what a joyful,—with what universal acclaim did they hail the declaration of American independence!

The sanguinary war, that at last culminated in triumph, was succeeded by a period of a higher wisdom, and a loftier public virtue. A government was to be organized upon untried principles, between peoples of strongly antagonistic interests. But there were found men equal to the novel emergency; and the persuasive eloquence of three lawyers united the people of thirteen colonies in one harmonious union.

Those who have gone before you, my brethren, in our Country, our Commonwealth, and in the old County of Hampshire, have left a bright example for you to follow. If you may not exceed, it should be your aim not to fall below them. The realization of your future success will never exceed your present aspirations. You have embarked in a profession, in which success is dependent upon ceaseless toil. The aphorism of "action," as applied to eloquence, may be substituted for "study," as constituting the capacity of a good lawyer. No genius can take the place of "study" in conducting you to that high eminence. Genius can marshal and arrange the materials of thought and action, that study has prepared, but it cannot be a substitute for that refinement of thought and wisdom, that has been the result of the experience of so many ages. You have chosen a profession that is honorable. The numerous persons that have

crowded into it, to procure its endorsement to official place and power, cannot degrade the character of those professional men, who, having an object to pursue it, for its own sake, labor for it, with all the forces of their being.

It is also a remunerating profession. You may not gather the golden showers, that sometimes rain down upon the efforts,—often hazardous,—of commercial adventure ; but there is such a relation between the talents and character of a capable and an honest lawyer, and the wants and necessities of the community, for whose purposes the legal profession was created, that the impelling energies of an honest and a devoted life will conduct you to success ; and, in due time, you may rest assured that “you will reap, if you faint not.”

## NOTE.

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THE sketch of the Hon. George Ashmun was prepared and delivered as a part of the original address, and was intended to be inserted herein, next to that of the late Chief Justice Chapman. But, in changing, to some extent, the order of the names of the members of the bar, the sketch was wholly omitted, by an accident. As the mistake was not discovered, until the whole had been put in type, the only way to repair the error was to do the only thing which remained to be done. This is a matter of the most sincere regret. Mr. Ashmun was so well-known as one of the leaders of the bar; so highly distinguished as a man of talent and influence in the Legislature, as the Speaker of the House, and as a member of the House of Representatives in Congress, and, as he so well emulated the intellectual talent of his distinguished brother, Prof. John H. Ashmun, who possessed one of the purest and keenest legal minds in the Commonwealth,—and of his illustrious father, Hon. Eli P. Ashmun,—it is doubly unfortunate that his name should be left out of its proper place among his professional brethren.

### HON. GEORGE ASHMUN

was graduated at Yale College in 1823; studied law with his brother, the late Prof. John Hooker Ashmun, at Northampton; was admitted to the bar in Hampshire County, in 1830, as counselor; settled for a time in Enfield, in that county; in a few years removed to Springfield, and formed a co-partnership with Reuben A. Chapman, the late chief justice, which continued for many years. Mr. Ashmun spent many years in Congress, as a member of the House of Representatives, and many years in Washington city in a private capacity. His political offices interfered with the practice of the law; and his foreign employments called off his mind from the duties of his profession.

But he was, when in practice, an eminent lawyer, and a successful advocate. It has been the opinion of the public, and also of many of the profession, that he gave little heed to the preparation of his causes for trial. But this is a mistake. There is little of what is commonly called genius in the arrangement of a case for trial, when an able and shrewd counselor is employed on the other side. In the long practice which I have had with him at the same bar, at times associated with him, and again opposed, I have known few persons in practice who prepared themselves with more assiduity than Mr. Ashmun. He died in Springfield in the year 1870.



## APPENDIX.



I DESIRED to append a complete list, as far as possible, of all the members of the bar, of the old county of Hampshire, prior to the organization of the county of Hampden, and I have made considerable effort for that purpose ; but, I regret to find, from time to time, that there is still great uncertainty and doubt in relation to the dates and names. The Hon. George Bliss, in his address, in 1826, has appended a catalogue of the attorneys and counselors, either admitted, or practicing in that county, from 1786 to 1826 ; and he also speaks of many of those who were in practice before the earlier of those two periods. Relying upon his well-known accuracy, I have accordingly concluded to insert his list, and also the names of the persons to whom he refers, as members of the bar, or as practicing at it, from the earliest periods ; and I also add to the list the names of those I have ascertained from other sources. In many cases, I cannot fix the date of their admission to the bar by any records ; but, in some, if not most of cases, the members of the bar were graduates of colleges, and it is safe to assume their admission as dating three years from their graduation.

Mr. Bliss says, "That at the county court, or court of pleas and sessions of the peace, September, 1686, holden under the authority of the President and council, is the following entry : ' John King of Northampton, Samuel Marshfield and Jona. Burt, Sen., of Springfield, were allowed of by this court, to be attornies for this county's court, and they took the oath of attornies.' " It appears from the same address, that John Ashley, in 1732, was admitted as an attorney. He was the person who contracted with twenty-one Indian Sachems, in April 25, 1724, for the purchase of the south part of what is now the county of Berkshire, in consideration of his bond of £460, three barrels of cider and thirty quarts of rum ; and, subsequently, in 1735, by a like authority from the General Court, for a strip of land, two miles in width, and twenty-six miles in length, from Westfield to Housatonic. He removed from Westfield to the lower Housatonic, now Sheffield, and after a

short professional practice, was appointed a judge of the common pleas. A copy of the deed of the Sachems is to be found in the appendix of the Westfield Bi-centennial Celebration.

John Huggins and Christopher J. Lawton were in extensive practice in Springfield. Huggins removed to Sheffield, and Lawton to Suffield. Timothy Dwight, of Northampton, was admitted in 1721, and in 1773, Joseph Dwight and Oliver Patridge, also.

Cornelius Jones was an astute pettifogger, from 1732 to 1752, when he was admitted as an attorney.

Gen. Phineas Lyman, of Suffield, a graduate of Yale College in 1738, commenced practice in this county in 1743, but when Suffield revolted, and renounced allegiance to this Commonwealth, he followed her fortunes, and ceased to practice here. Mr. Bliss eulogizes Col. John Worthington and Joseph Hawley, barristers, as eminent men, who were the leaders of the bar, and who introduced many beneficial changes in its practice.

In an able address before the bar of Worcester county, Joseph Willard, Esq., in speaking of the members of it, mentions that Levi Lincoln, Sen., was admitted in Hampshire county.

The late Hon. Increase Sumner, of Berkshire county, a few years ago, and shortly before his decease, delivered an address before the bar of that county, which contained much historical information, and which, like the historical address of Mr. Taft, at the dedication of the Berkshire county court-house, should be published in a permanent form, and not entrusted to the ephemeral columns of a newspaper.

A list of the attorneys and counsellors, either admitted to the bar in the county of Hampshire, or practicing in that county, from 1786 to 1826, as furnished in the appendix of Hon. George Bliss :

Elihu Lyman,	Alexander Wolcott,
Moses Bliss,	Samuel Lyman,
Simeon Strong,	Pliny Mirrick,
Theodore Sedgwick,	Samuel Hinckely,
Caleb Strong,	John Hooker,
Justin Ely,	Ephraim Williams,
John Phelps,	John Barrett,
Samuel Fowler,	Samuel Mather,
William Billings,	George Bliss,
John Chester Williams,	Joseph Lyman,
Abner Morgan,	John Taylor,
Edward Walker,	William Coleman,
John Chandler Williams,	Jona. E. Porter,

Simeon Strong,  
 William Ely,  
 John Phelps,  
 Eli P. Ashmun,  
 Jona. Leavitt,  
 Elijah Paine,  
 Stephen Pynchon,  
 John Ingersoll,  
 Solomon Stoddard,  
 William M. Bliss,  
 Richard E. Newcomb,  
 Jonathan Grout,  
 Hezekiah W. Strong,  
 Charles P. Phelps,  
 Samuel Lathrop,  
 Elijah Bates,  
 Solomon Vose,  
 Jonathan Dwight, Jr.,  
 Jotham Cushman,  
 Benjamin Parsons,  
 Edward Upham,  
 Jonathan Woodbridge,  
 Joseph Proctor,  
 Samuel F. Dickinson,  
 Phinehas Ashmun,  
 Joseph Bridgman,  
 Sylvester Maxwell,  
 William Billings,  
 Elijah H. Mills,  
 Pliny Arms,  
 Elijah Alvord,  
 Samuel C. Allen,  
 Theodore Strong,  
 Edmund Dwight,  
 Oliver B. Morris,  
 Henry Barnard,  
 Giles E. Kellogg,  
 Charles Shepard,  
 John Nevers,  
 James M. Cooley,  
 Solomon Strong,  
 Alvin Coe,  
 Noah D. Mattoon,

Isaac C. Bates,  
 Jonathan H. Lyman,  
 John M. Gannett,  
 Lewis Strong,  
 Alanson Knox,  
 Asahel Wright,  
 Mark Doolittle,  
 Samuel Orne,  
 Hooker Leavitt,  
 Samuel Howe,  
 Phinehas Blair,  
 Samuel Cutting,  
 Isaac B. Barber,  
 Laban Marcy,  
 Israel Billings,  
 Deodatus Dutton,  
 Apollos Cushman,  
 Rodolphus Dickinson,  
 Edward Bliss,  
 Daniel Shearer,  
 Calvin Pepper,  
 William Blair,  
 John H. Henshaw,  
 James Stebbins,  
 William Ward,  
 George Grennell,  
 David Willard,  
 Horace W. Taft,  
 John Drury,  
 Franklin Ripley,  
 Thomas Powar,  
 Augustus Collins,  
 Dyer Bancroft,  
 Warren A. Field,  
 Patrick Boise,  
 John Mills,  
 John Hooker, Jr.,  
 Samuel Johnson,  
 William Knight,  
 John Howard,  
 Benjamin Day,  
 Joshua N. Upham,  
 George Bliss, Jr.,

Justice Willard,  
 Charles F. Bates,  
 Solomon Lathrop,  
 William Bowdoin,  
 Hophni Judd,  
 Ithamar Conkey,  
 Norman Smith,  
 James Fowler,  
 Elisha Hubbard,  
 Eli B. Hamilton,  
 Daniel Wells,  
 Samuel Wells,  
 Alfred Stearns,  
 Caleb Rice,  
 Jonathan A. Saxton,  
 Frederick A. Packard  
 Lucius Boltwood,  
 Jonathan Eastman,  
 Waldo Flint,  
 Charles E. Forbes,  
 Cyrus Joy,  
 David Brigham,  
 Aaron Arms,  
 Joseph P. Allen,  
 Benjamin Brainard,  
 Jonathan Hartwell,  
 David A. Gregg,  
 Epaphers Clark,  
 Benjamin Mills,  
 Timothy C. Cooley,  
 John B. Cooley,  
 Asa Olmstead,

Horace Smith,  
 Joshua Leavitt,  
 Mason Shaw,  
 Elisha Mack,  
 John H. Ashmun,  
 Samuel F. Lyman,  
 Justin W. Clark,  
 Horatio Byington,  
 Emory Washburn,  
 Horatio G. Newcomb,  
 William B. Calhoun,  
 Josiah Hooker,  
 William Bliss,  
 Erasmus Norcross,  
 Daniel N. Dewey,  
 Myron Lawrence,  
 James W. Crooks,  
 Richard D. Morris,  
 Dan Parish,  
 Homer Bartlett,  
 Osmyn Baker,  
 Elijah Williams,  
 Francis B. Stebbins,  
 Norman T. Leonard,  
 Reuben A. Chapman,  
 George Ashmun,  
 Henry Chapman,  
 Stephen Emory,  
 ——— Field,  
 Edward Dickinson,  
 Andrew A. Locke.

## MEMBERS OF THE BAR FROM 1812 TO 1874.

## ADMITTED TO THE BAR.

—*Patrick Boise,	1812
*John Hooker, Jr.,	1813
†George Hinckley,	1813
*John Howard,	1813
*Solomon Lathrop,	1814
*Charles F. Bates,	1815
*Benjamin Day,	1815
*George Bliss, Jr.,	1815

## ADMITTED TO THE BAR.

*Eli B. Hamilton,	1815
*Gorham Parks,	1816
*Alfred Stearns,	1817
*Caleb Rice,	1817
*William B. Calhoun,	1818
*John B. Cooley,	1818
*Epaphras Clark,	1819
*Erasmus Norcross,	1819

## ADMITTED TO THE BAR.

*Heman Stebbins,	1819
*Asa Olmstead,	1819
*Josiah Hooker,	1820
*William Bliss,	1822
†Joel Miller,	1822
*Richard D. Morris,	1822
*Warham Crooks,	1824
Norman T. Leonard,	1824
*Reuben A. Chapman,	1825
*Matthew Ives, Jr.,	1827
William G. Bates,	1828
†William M. Lathrop,	1828
†Joseph Knox,	1828
*George Ashmun,	1828
†Chauncey B. Rising,	1829
†William Dwight,	1829
*Francis Dwight,	1830
†William Hyde,	1830
*Joseph Huntington,	1831
†William Bliss,	1832
*William C. Dwight,	1832
*E. D. Beach,	1833
†Richard Bliss,	1834
Henry Morris,	1835
*H. H. Buckland,	1836
†George Baylies Upham,	1836
†Russell E. Dewey,	1837
†William W. Blair,	1839
*George B. Morris,	1840
*Henry Vose,	1841
Edward Bates Gillett,	1842
*Otis A. Seamans,	1843
*Lorenzo Norton,	1843
†William O. Gorham,	1843
†Lorenzo D. Brown,	1843
*Allen Bangs, Jr.,	1845
*Wellington Thompson,	1845
Ephraim W. Bond,	1845
†Lester E. Newell,	1845
†Albert Clarke,	1845
†William Allen, Jr.,	1845
†P. Emory Aldrich,	1846

## ADMITTED TO THE BAR.

*Thomas B. Munn,	1846
George Walker,	1846
†Bernard B. Whittemore,	1846
†Lester Williams, Jr.,	1846
†Charles C. Hayward,	1846
†Samuel L. Fleming,	1847
†Elbridge G. Bowdoin,	1847
James H. Morton,	1847
Samuel Fowler,	1847
†Edwin M. Bigelow,	1847
†Charles K. Wetherell,	1847
†Fayette Smith,	1848
Charles R. Ladd,	1848
†George L. Squier,	1848
†Reuben P. Boies,	1848
†Charles H. Branscomb,	1848
†Joseph M. Cavis,	1849
William B. C. Pearsons,	1849
Aug. L. Soule,	1849
Henry Fuller,	1849
†John Munn,	1849
†Edward P. Burnham,	1849
†Timothy G. Pelton,	1850
*Charles A. Winchester,	1850
†Asahel Bush,	1850
†Franklin Crosby,	1850
*Charles T. Arthur,	1851
John M. Stebbins,	1851
†William Howland,	1851
†Oramel S. Senter,	1851
N. A. Leonard,	1851
†James C. Hinsdale,	1851
George M. Stearns,	1852
†Martin J. Severance,	1852
†James F. Dwight,	1852
†William C. Greene,	1852
†George L. Frost,	1852
Milton B. Whitney,	1853
William L. Smith,	1853
James G. Allen,	1853
†John H. Thompson,	1853
*John M. Emerson,	1854



## ADMITTED TO THE BAR.

Henry B. Lewis,	1854
†George O. Ide,	1854
†James K. Mills,	1854
†Norman L. Johnson,	1855
James E. McIntire,	1855
†Samuel J. Ross,	1855
A. M. Copeland,	1855
†Joel T. Rice,	1856
William S. Shurtleff,	1856
†Irving Allen,	1856
George H. Knapp,	1856
†Ambrose N. Merrick,	1857
†S. B. Woolworth,	1857
†E. A. Warriner,	1857
†Edw. D. Hayden,	1857
†Liberty B. Dennett,	1858
Stephen E. Seymour,	1858
†Frank E. Merriman,	1858
*Moses W. Chapin,	1859
†Henry E. Daniels,	1859
Porter Underwood,	1859
†William C. Ide,	1859
William H. Haile,	1859
*Benton W. Cole,	1859
E. Howard Lathrop,	1859
Homer B. Stevens,	1859
Gideon Wells,	1860
James A. Rumrill,	1861
†Jno. W. Moore,	1861
†Otis P. Abercrombie,	1861
Timothy M. Brown,	1862
Marcus P. Knowlton,	1862
†Joseph H. Blair,	1862
†Sidney Sanders,	1863
*Reuben Chapman,	1863
†Samuel G. Loring,	1863

## ADMITTED TO THE BAR.

William S. Greene,	1864
Edward Morris,	1864
†Charles A. Beach,	1865
†James C. Greenough,	1865
J. P. Buckland,	1865
E. W. Chapin,	1865
Joseph Morgan,	1865
George D. Robinson,	1866
†George B. Morris, Jr.,	1867
Hugh Donnelly,	1867
†Charles A. Birnie,	1867
†J. Porter, Jr.,	1867
C. L. Gardner,	1867
Charles C. Spellman,	1868
Elisha B. Maynard,	1868
Luther White,	1868
William B. Rogers,	1869
†Jno. W. Burgess,	1869
†Elbridge W. Merrill,	1870
Joseph W. Browne,	1870
†John M. Cochran,	1870
Albert A. Tyler,	1871
Edward Bellamy,	1871
John P. Wall,	1872
†Thomas F. Riley,	1872
Harris L. Sherman,	1872
John W. Converse,	1872
Charles L. Long,	1872
William Slattery, Jr.,	1872
S. S. Taft,	1872
Robert O. Morris,	1873
Jonathan Allen,	1873
†Luther Emerson Barnes,	1873
F. E. Carpenter,	1873
James R. Dunbar,	1874
Loranus E. Hitchcock,	1874

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\* Deceased. † Removed from the county.

## JUDGES OF PROBATE.

Samuel Fowler, Westfield, 1812.  
John Hooker, Springfield, 1813.  
Oliver B. Morris, Springfield, 1829.

## JUDGES OF PROBATE AND INSOLVENCY.

John Wells, Chicopee, 1858.  
William S. Shurtleff, Springfield, 1863.

## JUDGE OF INSOLVENCY.

John M. Stebbins, 1856 to 1859.

## REGISTERS OF PROBATE.

William Blair, Westfield, 1812.  
Oliver B. Morris, Springfield, 1813.  
Justice Willard, Springfield, 1829.  
William L. Smith, Springfield, 1851.  
Henry Smith, Springfield, 1853.  
Charles A. Winchester, Springfield, 1855.  
Charles R. Ladd, Springfield, 1857.

## REGISTERS OF PROBATE AND INSOLVENCY.

William S. Shurtleff, Springfield, 1859.  
Samuel B. Spooner, Springfield, 1863.

## REGISTERS OF INSOLVENCY.

C. A. Winchester, 1856 to 1857.  
William S. Shurtleff, 1857 to 1859.

## COUNTY ATTORNEYS.

Oliver B. Morris, Springfield, 1812.  
George Bliss, Springfield, 1812.  
Samuel Lathrop, West Springfield, 1817.  
Oliver B. Morris, Springfield, 1821.

## DISTRICT ATTORNEYS.

Charles A. Dewey, Northampton, 1832.  
Daniel Wells, Greenfield, 1837.  
William Porter, Jr., Lee, 1844.  
Increase Sumner, Great Barrington, 1851.

William G. Bates, Westfield, 1853.  
 Henry L. Dawes, Adams, 1854.  
 Edward B. Gillett, Westfield, 1857.  
 George M. Stearns, Chicopee, 1872.  
 N. A. Leonard, Springfield, 1874.

#### JUSTICES OF THE COURT OF SESSION.

Samuel Fowler, Westfield, 1812 to 1813.  
 Gideon Burt, Longmeadow, 1812 to 1813.  
 Isaac Coit, Southwick, 1812 to 1813.  
 Joshua Frost, Springfield, 1812 to 1813.  
 Abel Bliss, Wilbraham, 1812 to 1813.  
 Abner Brown, Monson, 1813 to 1819.  
 Heman Day, West Springfield, 1813 to 1828.  
 Ethan Ely, Longmeadow, 1813 to 1814.  
 William Ely, Springfield, 1814 to 1818.  
 Amos Hamilton, Palmer, 1819 to 1820.  
 Stephen Pynchon, Brimfield, 1819 to 1823.  
 Sylvester Emmons, Chester, 1819 to 1825.  
 James Stebbins, Palmer, 1823 to 1828.  
 Joseph Forward, Southwick, 1826 to 1828.

#### COUNTY COMMISSIONERS.

Caleb Rice, West Springfield, 1828 to 1831.  
 Joel Norcross, Monson, 1828 to 1835.  
 Reuben Boies, Jr., Blandford, 1828 to 1835.  
 William Bliss, Springfield, 1831 to 1835.  
 James W. Crooks, Springfield, 1835 to 1838.  
 Gideon Stiles, Southwick, 1835 to 1838.  
 Cyrus Knox, Palmer, 1835 to 1838.  
 John Ward, Palmer, 1838 to 1844.  
 Patrick Boise, Westfield, 1841 to 1844.  
 Forbes Kyle, Chester, 1841 to 1844.  
 Willis Phelps, Springfield, 1844 to 1847.  
 Samuel Root, Granville, 1844 to 1850.  
 Austin Fuller, Monson, 1844 to 1847.  
 Benning Leavitt, Chicopee, 1847 to 1850.  
 John McCray, Wilbraham, 1847 to 1850.  
 Norman T. Leonard, Westfield, 1850 to 1853.  
 William V. Sessions, Wilbraham, 1850 to 1853.  
 Melvin Copeland, Chester, 1850 to 1853.  
 William B. Calhoun, Springfield, 1853 to 1855.

Alured Homer, Brimfield, 1853 to 1857.  
 George C. Gibbs, Blandford, 1853 to 1856.  
 Francis Brewer, Springfield, 1855 to 1858.  
 Henry Fuller, Westfield, 1856 to 1859.  
 Henry F. Brown, Brimfield, 1857 to 1860.  
 Nelson D. Parks, Russell, 1858 to 1864.  
 Henry Charles, Ludlow, 1859 to 1862.  
 Henry Fuller, Westfield, 1860 to 1863.  
 Benning Leavitt, Chicopee, 1862 to 1865.  
 Daniel G. Potter, Monson, 1863 to 1869.  
 Charles C. Wright, Agawam, 1864 to 1867.  
 Ambrose N. Merrick, Springfield, 1865 to 1868.  
 William M. Lewis, Blandford, 1867.  
 Phineas Stedman, Chicopee, 1868 to 1871.  
 Randolph Stebbins, Longmeadow, 1869 to 1871.  
 George R. Townsley, Springfield, 1871 to 1874.  
 James S. Loomis, Palmer, 1871.  
 Lawson Sibley, Springfield, 1874.

## COUNTY TREASURERS.

Edward Pynchon, Springfield, 1812.  
 David Paine, Springfield, 1830.  
 George Colton, Springfield, 1835.  
 William Rice, Springfield, 1838.  
 Norman Norton, Springfield, 1856.  
 Charles R. Ladd, Springfield, 1859.  
 M. Wells Bridge, Springfield, 1867.

## REGISTERS OF DEEDS.

Edward Pynchon, Springfield, 1812.  
 David Paine, Springfield, 1830.  
 William Rice, Springfield, 1831.  
 James E. Russell, Springfield, 1858.

## SHERIFFS.

Jonathan Smith, Jr., Springfield, 1812.  
 John Phelps, Granville, 1814.  
 Caleb Rice, Springfield, 1831.  
 Justin Wilson, Blandford, 1851.  
 Patrick Boise, Westfield, 1853.  
 Nathaniel Cutler, Chicopee, 1855.  
 Robert G. Marsh, Holyoke, 1857.

Frederick Bush, Westfield, 1860.

A. M. Bradley, Springfield, 1869.

CLERKS OF THE COURT.

John Ingersoll, Springfield, 1812.

Richard Bliss, Springfield, 1841.

George B. Morris, Springfield, 1852.

Robert O. Morris, Springfield, 1872.



ERRATA.

Page 19, ninth line from bottom, for "*Impulerit: tantæ ne*," read "*Impulerit: tantæne*."

Page 24, insert "same" before oath, in the eighth line from top.

Page 34, for "only" read "duly," seventeenth line from top.

Page 47, add "nor worth" to seventh line from top, and in eighth line, for "utterances," read "utterance."







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